

# L A W S

OF THE

## STATE OF UTAH

PASSED AT THE

### **Eighth Regular Session**

OF THE

## **Legislature of the State of Utah**

WHICH CONVENED

At Salt Lake City, the State Capital, January 11th, 1909,  
and adjourned March 11th, 1909.

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PUBLISHED BY AUTHORITY.

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SALT LAKE CITY, UTAH



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 C. John Smith ..... Twenty-sixth District.  
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CERTIFICATE OF AUTHENTICATION.

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STATE OF UTAH, }  
Office of the Secretary of State. } ss.

I, CHARLES S. TINGEY, Secretary of State of the State of Utah, do hereby certify:

That the acts and joint resolutions published in this volume, beginning on page 1 and ending on page 356, are full, true and correct copies of the originals passed at the Eighth regular session of the Legislature of the State of Utah (1909), as the same appear on file in this office;

That each act which the Legislature directed should take effect upon approval received the vote of two-thirds of all the members elected to each house, except chapters 40, 89, and 95, which acts failed to receive a two-thirds vote of all members elected to each house;

That all acts and joint resolutions published in this volume were officially published on the 17th day of April, 1909;

That the Eighth regular session of the Legislature of the State of Utah adjourned *sine die* on the 11th day of March, A. D. 1909.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Utah.

Done at my office this 17th day of April, A. D. 1909.



CHARLES S. TINGEY,  
Secretary of State.



# L A W S

OF THE

# STATE OF UTAH

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PASSED AT THE EIGHTH REGULAR SESSION  
OF THE LEGISLATURE, 1909.

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## CHAPTER 1.

### CONTINGENT EXPENSES OF THE LEGISLATURE.

An Act to provide for the regular and contingent expenses of the Eighth session of the Legislature of the State of Utah.

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

SECTION 1. Appropriation. That the sum of thirty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the funds of the State Treasury, for the purpose of defraying the regular and contingent expenses of the eighth session of the Legislature; and the State Auditor shall draw his warrant on the State Treasurer for such money, or any portion thereof, upon the request in writing of the President and Secretary of the Senate, and Speaker and Chief Clerk of the House of Representatives.

Sec. 2. This Act shall take effect upon approval.

Approved January 19, 1909.

## CHAPTER 2.

## LEGAL HOLIDAYS.

An Act to amend Section 1145 of the Compiled Laws of Utah, 1907, Designating legal holidays.

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

SECTION 1. Section Amended. That Section 1145 of the Compiled Laws of Utah, 1907, be, and is hereby amended to read as follows:

1145. **Legal Holidays.** The following named days are legal holidays in this State: Every Sunday; the 1st day of January, commonly called New Year's Day; the 12th day of February, the anniversary of the birth of Abraham Lincoln; the 22nd day of February, the anniversary of the birth of George Washington; the 15th day of April, commonly called Arbor Day; the 30th day of May, commonly called Decoration Day; the 4th day of July, commonly called Independence Day; the 24th day of July, commonly called Pioneer Day; the first Monday in September, known as Labor Day; the 25th day of December, commonly called Christmas; and all days which may be set apart by the president of the United States, or the governor of this State, by proclamation, as days of fast or thanksgiving;

*Provided,* That when any of said days, except the first mentioned, shall fall on Sunday, the following Monday shall be the holiday.

Sec. 2. This Act shall take effect upon approval.

Approved February 5th, 1909.

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 CHAPTER 3.

## BONDING.

An Act to amend Section 309, Compiled Laws of Utah, 1907, Providing the manner of submitting to the qualified electors of a city or town the question of incurring a bonded indebtedness, and when and to what amount bonds may be issued.

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

SECTION 1. Section Amended. That Section 309 of the Compiled



Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

**309. Proposition to be submitted to voters. Notice.** When the City Council of any city or the Town Board of Trustees of any town shall have decided to submit the question of incurring a bonded indebtedness, it shall, by order, specify the particular purpose for which the indebtedness is to be created and the amount of bonds which it is proposed to issue, and shall further provide for submitting the question of the issue of such bonds to the qualified electors of the city or town at the next general election, or at a special election to be called for that purpose by the council or the board, as the case may be. If the question is submitted at a special election, it shall be held, except as herein otherwise provided, as nearly as possible in conformity with the general election laws of the State. Notice shall be given of such election by publication in some newspaper or newspapers published in the city or town for four weeks prior thereto; or if there be no newspaper, then by posting notices. The council or the board, as the case may be, shall cause ballots to be printed and furnished to the qualified electors, which shall read: "For the issue of bonds: Yes. No." If a majority of the qualified electors voting thereon shall have voted in favor of incurring such indebtedness, the City Council or Board may proceed to issue the amount of bonds specified. If, however, the qualified electors shall have voted in favor of incurring an indebtedness in excess of the amount permitted by the constitution and laws of the State, such vote shall be full authority for the City Council or Board of Trustees to issue bonds to the amount permitted by the constitution and laws of the State.

Sec. 2. This Act shall take effect upon approval.

Approved February 9th, 1909.

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## CHAPTER 4.

### SALARIES OF STATE OFFICERS.

An Act to Amend Section 2049X, Compiled Laws of Utah, 1907, Relating to the Salaries of certain State Officers.

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

**SECTION 1. Section Amended.** That Section 2049X, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

2049X. **Salaries of certain State officers.** The salaries of the following State Officers are hereby fixed as follows: Governor, four thousand dollars; Secretary of State, three thousand dollars; State Treasurer, fifteen hundred dollars; State Auditor, two thousand dollars; Attorney General, two thousand dollars; State Superintendent of Public Instruction, twenty-four hundred dollars.

Sec. 2. This Act shall take effect upon approval.

Approved February 11th, 1909.

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## CHAPTER 5.

### VAGRANCY.

An Act to amend Section 4472, Compiled Laws of Utah, 1907, Defining Vagrancy and providing a penalty therefor.

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

That Section 4472, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

4472. **Vagrancy defined. Penalty.** Every person, except an Indian, without visible means of support, who has the physical ability to work, and who does not for a period of ten days seek employment nor labor when employment is offered him; every healthy beggar who solicits alms as a business; every person who roams about from place to place without any lawful business; every idle or dissolute person, or associate of known thieves, who wanders about the streets at late or unusual hours of the night, or who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; every lewd and dissolute person, who lives in and about houses of ill-fame; every woman who from doorways, on the streets, or any other place, solicits men for immoral purposes; every common prostitute; and every common drunkard, is a vagrant, and is punishable by imprisonment in the county jail not exceeding ninety days.

Approved February 17th, 1909.

## CHAPTER 6.

## TO PUNISH CERTAIN CONVICTS FOR COMMITTING ASSAULTS.

An Act to Punish Certain Convicts for Committing Assaults upon others by Means of Force or otherwise.

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

SECTION 1. **Penalty.** Any convict sentenced to imprisonment in the State Prison for a term less than life imprisonment, who commits an assault upon any other convict, or upon the warden or any guard, or other person whomsoever, with a deadly weapon or instrument, or by means of force, or by administering any poisonous or other substance which is likely to produce great bodily harm or injury, shall be deemed guilty of a felony, and, upon conviction thereof, be punished by imprisonment in the State Prison for not less than three nor more than twenty years.

Approved February 19th, 1909.

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CHAPTER 7.

## JUDGES OF ELECTION.

An Act to amend Section 859, Compiled Laws of Utah, 1907, Relating to the duties of Judges of Election.

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

SECTION 1. **Section Amended.** That Section 859, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

859. **Judges of Election to sign and certify Poll Books, and make returns.** As soon as all the votes are counted and the ballots sealed up as aforesaid, the poll books must be signed and certified by the judges. Before they adjourn, the Judges must enclose in another strong envelope and seal up and direct to the County Clerk, City Recorder or Town Clerk, as the case may be, the official register, all certificates of registration received by them, one list of the persons challenged, one of the poll books, one of the tally sheets, and the official oaths taken by the judges of election.

The Judges must enclose in another envelope and direct to the County Clerk, City Recorder or Town Clerk, as the case may be, a copy

of the total number of votes received by each candidate whose name is on the official ballot, the same to be placed on file in the office of the County Clerk, City Recorder or Town Clerk, as the case may be, for public inspection. The stubs of the counted ballots shall be immediately burned by the presiding judge of election.

Approved February 19th, 1909.

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## CHAPTER 8.

### STATE AID FOR PUBLIC SCHOOLS.

An Act amending Section 1870X, Compiled Laws of Utah, 1907, Relating to State Aid for Public Schools where the Revenues are Insufficient.

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

**SECTION 1. Section Amended.** That Section 1870X Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

1870X. Where revenues insufficient State money to be used. In districts of the State where the revenues derived from the State, County, and district school tax levies are insufficient to enable school trustees to employ a teacher or teachers for a period of at least twenty-eight weeks, and the board of county commissioners of the county in which said school district or districts are located has made a school tax levy of four mills, and the school district trustees have levied a district tax of five mills, and there is not sufficient amount from the allotment of State and county and the district school moneys after all necessary current expenses are paid from the district fund to raise the amount for the payment of teachers to the sum of \$450.00 for each teacher in the district for the current school year, the county school superintendent shall make report thereof, giving the amount available in such districts for the payment of teachers in the school year, together with an itemized account of the expenditures of any part of the district tax for current expenses, verified under oath, to the state superintendent of public instruction, not later than the 30th day of April in such year. The State Superintendent shall by the 15th day of May of such year, make report to the State Auditor, State Treasurer, and State Board of examiners of the school districts so reported to him, with the county or counties in which they are located, and the names and addresses of the county superintendents thereof. And there shall be paid out of any moneys in the state treas-

ury not otherwise appropriated, a sufficient sum to make the amount available for the payment of teachers in each of such school districts to aggregate \$450.00 for each teacher for the school year, for the use of the school district so applying therefor; provided, that school is maintained in the district at least twenty-eight weeks in the school year, provided further that no district affected by this section shall employ more than one teacher except on the recommendation of the county superintendent of schools, and after such recommendation has the approval of the State Superintendent of public instruction, provided further, that no teacher shall be employed in any district affected by this appropriation without the concurrence of the State Board of Education.

**Sec. 2. Appropriation.** To carry out the provisions of this act there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$8,000, or so much thereof as may be necessary.

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

Approved February 20th, 1909.

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## CHAPTER 9.

### APPROPRIATION TO FURNISH OFFICES OF GOVERNOR AND SECRETARY OF STATE.

An Act to Provide for the furnishing of the offices of the Governor and Secretary of State and Making Appropriation therefor.

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

**SECTION 1. Secretary of State to re-furnish offices. Appropriation.** The Secretary of State is hereby authorized and directed to purchase furniture and re-furnish the offices of the Governor and Secretary of State and there is hereby appropriated the sum of \$1,500.00 or so much thereof as may be necessary for such purpose.

**Sec. 2.** This act shall take effect upon approval.

Approved February 20th, 1909.

## CHAPTER 10.

## PUNISHMENT OF LIFE CONVICTS FOR COMMITTING ASSAULTS.

An Act to punish life convicts for committing assaults upon others by means of force or otherwise.

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

SECTION 1. **Penalty.** Every convict undergoing a life sentence in the State Prison of the State of Utah, who, with malice aforethought, commits an assault upon any other convict, or upon the warden, or any guard, or upon any other person whomsoever, with a deadly weapon, or instrument of any kind, or by means of force, or by administering any poisonous or deleterious substance, which will likely produce great bodily injury, shall, upon conviction, be punishable with death.

Approved February 24th, 1909.

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CHAPTER 11.

## PAWNBROKERS AND SECOND-HAND DEALERS.

An Act to amend Section 1708, Compiled Laws of Utah, 1907. Relating to Pawnbrokers and second-hand dealers.

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

SECTION 1. **Section Amended.** That Section 1708, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

1708. **Pawnbrokers and Second-Hand Dealers to Keep Record.** Pawnbrokers and dealers in second-hand goods shall keep records containing a description of all articles received by them, the amounts paid therefor or advanced thereon, a general description of the person from whom received, together with his name and address and the date of the transaction. These records shall at all reasonable times be accessible to any peace officer who demands an inspection thereof, and any further information regarding such transaction that he may require shall be given by the pawnbrokers and second-hand dealers to the best of their ability. In cities of the first and second class, at the close of each day's business, pawnbrokers shall mail a copy of the records to the sheriff of the county in which they are located.

Approved February 25th, 1909.

## CHAPTER 12.

## FARMERS AND DOMESTIC SCIENCE INSTITUTES AND SCHOOLS.

An Act Providing for the holding of farmers' and domestic science institutes and schools, in the Counties of the State and repealing Sections 2095, 2096, 2097 and 2098, Compiled Laws of Utah, 1907.

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

**SECTION 1. Meetings, Etc., to Be Held.** The Agricultural College of Utah is hereby authorized and required to hold meetings, institutes, one or two-week schools, exhibitions and demonstrations for the instruction of the citizens of Utah in the various branches of agriculture and domestic science. At least one meeting, institute or school shall be held in each county each year, at such time and place and under such regulation as the Agricultural College may direct.

**Sec. 2. May Employ Agents, Course of Instruction.** The Agricultural College may employ such agents as may be deemed necessary to assist the faculty in carrying out the provisions of this Act; and the course of instruction at the meetings, institutes and schools herein provided for shall present the results of the most recent investigations in theoretical and practical agriculture and domestic science, especially as adapted to Utah conditions.

**Sec. 3. Local Agricultural Societies.** It shall be the duty of those conducting institutes in any county or precinct in this State, under the provisions of this act, to encourage and assist in the organization of local agricultural societies, and to encourage legitimate industrial enterprises.

**Sec. 4. Annual Report to Be Published.** At the close of each year's institute work, the Agricultural College shall cause to be published in book or pamphlet form, for free distribution to the farmers of the State, an annual report of the institute work, which report shall contain the leading papers and discussions presented at the institute meetings of the State.

**Sec. 5. Appropriation.** For the purposes mentioned in this Act, the Agricultural College may use such sum as is deemed proper, not exceeding the sum of five thousand dollars in any one year, and such amount is hereby annually appropriated for that purpose out of any moneys in the State treasury not otherwise appropriated.

**Sec. 6. Sections Repealed.** Sections 2095, 2096, 2097 and 2098, Compiled Laws of Utah, 1907, are hereby repealed.

Approved February 26th, 1909.

## CHAPTER 13.

## NOMINATIONS.

An Act to amend Section 825, Compiled Laws of Utah, 1907, relating to nominations.

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

**SECTION 1. Section Amended.** That Section 825, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

**825. Nominations Otherwise Than by Convention.** Candidates for public office may be nominated otherwise than by convention or committee in the manner following:

A certificate of nomination containing the names of the candidates for the offices to be filled, with such information as is required to be given in the certificate hereinbefore provided for in other cases, except that such certificates shall designate in not more than five words, instead of the party, the political or other name which the signers shall select, shall be signed by voters residing within the district or political division in and for which the officer or officers are to be elected, to the number of at least 500, when the nomination is for an office to be filled by the voters of the entire State; of at least one hundred, when the nomination is for an office to be filled by the voters of a district less than the State and greater than a county, or by the voters of a county; and of at least fifty, when the nomination is for an office to be filled by all the voters of a precinct, town, city, or other division less than a county. The signatures to a certificate of nomination need not all be appended to one paper.

The certificate may designate or appoint upon the face thereof one or more persons who, for the purposes set forth in Section 833 and 834, shall represent the signers of said certificate. Each voter signing a certificate shall add to his signature his place of residence and shall, before an officer duly authorized to take acknowledgments, acknowledge his signature and take oath that he is a voter within and for the political division for which such nomination is made, and that he has truly stated his residence. Such certificate shall also contain a statement by the voter that the name or names of the person or persons nominated in the certificate will not be printed upon the official ballot, or upon any party ticket, as the nominees of any political party or voters, and that the name or names of the persons nominated in the certificate will not be printed upon the official ballot or upon any party ticket unless the names of the persons are placed on the official ballot under the name or device adopted in the certificate. It is hereby made the duty of the officers making up the official ballot to erase from the certificate any name or names of nominees contained in such certificate



that will otherwise appear printed upon the official ballot as part of any party ticket. Such certificate, when executed and acknowledged, and containing the statements as above prescribed, may be filed as provided for in Section 824, in the same manner and with the same effect as a certificate of nomination made by a convention or committee as provided in Section 822.

Approved February 26th, 1909.

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## CHAPTER 14.

### NOMINATIONS.

An Act to amend Section 822, Compiled Laws of Utah, 1907, relating to nominations.

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

That Section 822, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

822. **Nomination by Convention or Committee.** Any convention of delegates of a political party which presented candidates at the last preceding election, held for the purpose of making nominations to public office, and also voters to the number and in the manner specified in Section 825, may nominate candidates for public offices to be filled by election within this State. A convention within the meaning of this chapter is an organized assemblage of voters or delegates representing a political party, which at the last election before the holding of such convention polled at least two per cent of the entire vote cast in the state, county, or other political division or district for which the nomination may be made. A committee appointed by any such convention may also make nominations to public office or fill any vacancies occurring in the nominations made by a convention, when authorized to do so by resolution duly passed by the convention at which the committee was appointed.

*Provided*, that nothing in this section or chapter contained shall be construed so as to authorize any number of voters, convention, or committee of any political party to nominate more than one group of candidates or have placed on the official ballot more than one group of candidates or more than one ticket, by adopting any name, emblem or device, other than the regular name, emblem and device of the political party represented by the voters, committee or convention making

such nomination; *provided, further*, that any voters, convention or committee of any political party may nominate any one or more person or persons who may have been nominated by any other voters, convention or committee, but in making such nomination the name of such a nominee shall be placed upon the regular ticket of the political party represented by the voters, convention or committee making such nomination, and no political party shall be permitted to have placed upon the official ballot, either directly or indirectly, more than one ticket, or more than one group of candidates or to group the same persons on different tickets by the same party under a different name or emblem.

Approved February 26th, 1909.

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## CHAPTER 15.

### NOMINATIONS.

An Act to amend Section 833, Compiled Laws of Utah, 1907, relating to nominations.

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

SECTION 1. Section Amended. That Section 833, Compiled Laws of Utah, 1907, is hereby amended to read as follows:

833. Notice of Declination. Whenever any person nominated for public office, as in this chapter provided, shall, not less than twelve days before the day of election, if he shall have been nominated as provided in Section 822, or not less than ten days before the day of election, if he shall have been nominated as provided in Section 825, notify the officer with whom the original certificate of his nomination was filed, in writing signed by him and duly acknowledged, that he declines such nomination, the same shall be void and his name shall not be printed upon the party ticket of the party certifying his nomination. The officer to whom such notification is given shall forthwith inform, by mail or otherwise, one or more persons whose names are attached to the original certificate of nomination that such nomination has been declined.

Approved February 26th, 1909.

## CHAPTER 16.

## PUBLIC LIBRARIES AND GYMNASIUMS.

An Act Amending Section 1369, Compiled Laws of Utah, 1907, Relating to the Levying of tax for the Establishment and Maintenance of a Free Public Library and Gymnasium in Cities of the Third Class and Towns.

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

**SECTION 1. Section Amended.** That Section 1369, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**1369. Tax for Libraries and Gymnasiums.** When fifty legal voters of any city of the third class, or town, shall present a petition to the recorder or clerk of such city or town, asking that an annual tax be levied for the establishment and maintenance of a free public library for such city or town, and shall specify in their petition the rate of taxation, not to exceed three mills on the dollar, such recorder or clerk shall, in the next legal notice of the regular biennial election in such city or town, give notice that at such election each elector, who shall have paid a property tax therein in the year next preceding election, may vote for a.....mill tax for a free public library, Yes, No, specifying in such notice the rate of taxation mentioned in said petition, and if the majority of all the votes cast in such city or town shall be for taxation for a free public library, the tax, specified in such notice, shall be levied and collected as other general taxes of such city or town, and shall be known as the library fund; provided, that when said fifty petitioners shall ask that a free public gymnasium be established and maintained in connection with said free library, and shall specify in their petition a request for both library and gymnasium, a tax not to exceed four mills on the dollar, such recorder or clerk shall give notice as herein provided that said electors as provided may vote for a.....mill tax for a free public library, and free public gymnasium, Yes, No, specifying the rate of taxation mentioned in such petition for library and gymnasium, and if the majority of all votes be for taxation for a free public library and a free public gymnasium, the tax, not to exceed four mills on the dollar, shall be levied and collected annually as herein provided, and shall be known as the library and gymnasium fund; *provided*, that the free public library may be established and maintained with or without the gymnasium as provided in this chapter; *provided*, that such tax shall cease in case the legal voters of said city or town shall so determine by majority vote at any biennial election held therein, and the corporate authorities of such cities of the third class and of towns may exercise powers conferred upon corporate authorities of cities of the first and of the second class under

this chapter; provided also, that such library and gymnasium fund may be expended by such committee as may be determined. The mayor or president of such city or town shall be ex officio chairman.

Approved February 27th, 1909.

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## CHAPTER 17.

### APPROPRIATION FOR RECEPTION AND ENTERTAINMENT OF THE GRAND ARMY OF THE REPUBLIC.

An Act Making an Appropriation of Thirty-Five Thousand Dollars for the Reception and Entertainment of the Grand Army of the Republic at Its Forty-third National Encampment, and Providing for a Commission to expend the money appropriated for the said purpose.

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

**SECTION 1. Encampment Held: When. Executive Committee.** Whereas, the Forty-third National Encampment of the Grand Army of the Republic will be held in the City and County of Salt Lake, State of Utah, during the week commencing August 9, 1909; and,

*Whereas*, the People of the State of Utah remember with pride and gratitude the valiant and patriotic services which the members of the Grand Army of the Republic rendered to the Government of the United States in an hour of trial, and are desirous of extending to them a cordial and fitting reception on the occasion of the National Encampment; Now, therefore, the Governor of the State of Utah and the Executive Committee organized for the purpose of conducting said National Encampment are hereby constituted a Board of Commissioners for the State of Utah to receive from the State and to expend the money appropriated by this Act for the purpose of making suitable preparation for the reception and entertainment of the Grand Army of the Republic at the Forty-Third National Encampment, to be held as aforesaid.

**Section 2. Appropriation.** There is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the sum of thirty-five Thousand Dollars (\$35,000), or so much thereof as may be necessary, to be expended by said board of commissioners for the purpose named in accordance with such rules and regulations as the board may adopt.

**Sec. 3. Id. How Drawn.** The Auditor of the State shall draw his

warrant or warrants upon the fund hereby appropriated upon the order of said Board of Commissioners, countersigned by the Governor, and the same shall be paid by the State Treasurer to the treasurer of said Executive Committee.

**Sec. 4. Bond of Treasurer.** The Treasurer of said Executive Committee shall execute a bond to the people of the State of Utah in the penal sum of Seventy Thousand Dollars (\$70,000), conditioned for the faithful performance of the duties of such treasurer and the proper payment of said money, with surety or sureties to be approved by the Governor of the State of Utah.

**Sec. 5. Report.** The said Board of Commissioners shall, as soon as practicable after the adjournment of said National Encampment, make to the Governor a full report of its proceedings and disbursements, together with proper vouchers.

**Sec. 6.** This act shall take effect upon approval.

Approved March 2nd, 1909.

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## CHAPTER 18.

### AUTHORIZING APPROPRIATION BY CERTAIN CITIES AND COUNTIES FOR ENTERTAINMENT OF THE GRAND ARMY OF THE REPUBLIC.

An Act Authorizing County Commissioners of Certain Counties and City Councils of Certain Cities, to appropriate Moneys for the purpose of aiding in the Entertainment of Members of the Grand Army of the Republic at its Annual Encampment for the year 1909.

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

**SECTION 1. Certain Counties and Cities Authorized to Make Appropriation.** That the Board of County Commissioners of Counties of the first, second, third and fourth class, and City Councils of cities of the first and second class, be and they are hereby authorized to appropriate out of the funds of such counties and cities such sums as said Boards and City Councils may deem appropriate to aid in the entertainment of members of the Grand Army of the Republic at its annual encampment for the year 1909.

**Sec. 2.** This Act shall take effect upon its approval.

Approved March 2d, 1909.

## CHAPTER 19.

## PROHIBITING THE CARRYING OF CONCEALED WEAPONS.

An Act Prohibiting the Carrying of Concealed Weapons.

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

**SECTION 1. Unlawful to Carry Concealed Weapons.** It shall be unlawful for any person, except a peace officer, without the written consent of a peace officer, to carry any slingshot, brass knuckles, revolver, dagger, stiletto, or other concealed deadly weapon. Any person found guilty of violating any provision of this section shall be deemed guilty of a misdemeanor.

Approved March 2nd, 1909.

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CHAPTER 20.

## AUTHORIZING FOREIGN CORPORATIONS TO EXERCISE THE POWER OF EMINENT DOMAIN.

An Act Authorizing Foreign Corporations Complying With the Laws of Utah to Exercise the Power of Eminent Domain the same as Domestic Corporations.

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

**SECTION 1. Foreign Corporations Authorized to Exercise the Power of Eminent Domain.** Foreign corporations upon complying with the provisions of the laws of this State prescribing the conditions upon which such corporations are authorized to do business in this State, shall have the same powers of eminent domain as are granted by law to domestic corporations.

Sec. 2. This act shall take effect upon approval.

Approved March 2nd, 1909.

## CHAPTER 21.

## EMPLOYMENT OFFICES.

An Act Providing for the Licensing and Regulation of Employment Offices, Requiring Employment Agents to give bond, Prohibiting the sending of Female help to any place of bad Repute, Requiring Bona Fide Orders for help, Regulating the charges of Employment Offices, Requiring the keeping of Registers, Requiring the furnishing of copies of terms of Employment, Prohibiting dividing fees with certain persons, Punishing violations of this Act, Regulating Actions for Violations, Prohibiting the conducting of an employment office in any place where Intoxicating Liquors are sold, excepting Religious and Charitable Associations, and Requiring the posting of certain Sections of this Act in Employment Offices.

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

**SECTION 1. Must Obtain License. Employment Agent Defined.** It shall be unlawful for any person, persons, firm, corporation or association to open and establish in any city, town, or elsewhere within the limits of the State of Utah, any intelligence or employment office, for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work, employment, or occupation for persons seeking the same, or to otherwise engage in the business, or in any way to act as a broker or go-between between employers and persons seeking work, without first having obtained a license so to do from the city, town, or, if not within any city or town, from the county where such intelligence or employment office is to be opened or such business is to be carried on. Any person, persons, firm, corporation or association performing any of the foregoing enumerated services as aforesaid, shall be deemed to be an employment agent within the meaning of this Act.

**Sec. 2. Cities, Towns and Counties Must Provide Licenses.** Every city, town, or county in this State shall, by ordinance, provide for the issuing of licenses as contemplated by this Act, and shall establish such rules and regulations as are not herein provided for the carrying on of the business or occupation for which such license may be issued.

**Sec. 3. Application to Whom Made.** Any person, persons, firm, corporation, or association applying for a license under the provisions of this Act, shall make application to the city council, or board of trustees, or board of county commissioners for the same, and shall deposit with the city, town or county treasurer, in advance, the annual fee for such license, to be evidenced by the receipt of the city, town, or county treasurer endorsed on said application. If the city council, board of trustees, or board of county commissioners, refuses to order

the issuance of such license to the party or parties applying for the same, the sum so deposited with the city, town or county treasurer shall be refunded to the applicant or applicants for license without any further action of the city council, board of trustees, or board of county commissioners.

**Sec. 4. Annual License for Bond.** Any person, persons, firm, corporation, or association licensed under the provisions of this Act shall pay an annual license fee in such amount as may be determined by the city council, board of trustees, or board of county commissioners, and before such license shall be issued shall deposit with the city, town or county treasurer a bond in the penal sum of \$1,000, with two or more sureties, to be approved by the officers designated by ordinance; such bonds shall be made payable to the city, town or county where such business is to be carried on, and shall be conditioned that the person, persons, firm, corporation or association applying for the license will comply with this Act and shall pay all damages occasioned to any person by reason of any mis-statement, or misrepresentation, or fraud, or deceit of any person or persons, their agents, or employees, or from any other violation of this Act, in carrying on the business for which license is granted. If at any time, in the opinion of the officers designated by ordinance to approve said bond, as provided herein, the sureties, or any of them, shall become irresponsible, the person, firm, corporation, or association holding such license, shall, upon notice from the city or town treasurer, give a new bond, to be approved as herein-after provided. Failure to give a new bond within ten days after such notice, shall operate as a revocation of such license, and the license shall be immediately returned to the city, town or county treasurer, who shall destroy the same. Licenses granted under this Act may be transferred by order of the City Council, Board of Trustees, or Board of County Commissioners, but before such transfer shall be authorized, the applicant or applicants for the same shall deposit with the city, town or County Treasurer the sum of \$5.00, which shall be endorsed upon the application, and the person, persons, firm, corporation, or association to whom such license is transferred shall also deposit such bond as is required by the applicant or applicants for an original license, as hereinbefore prescribed, and to be approved in the same manner.

**Sec. 5. Id. To Be Publicly Exposed.** Upon the granting of a license by the City Council, Board of Trustees, or Board of County Commissioners, under this Act, the City, Town or County Treasurer shall, within one week after payment of the license fee, issue to the applicant or applicants entitled to the same, a certificate of license setting forth the fact that such license has been granted, and it shall be the duty of all persons, firms, corporations, or associations, who may obtain such cer-



tificate of license, to keep the same publicly exposed to view in a conspicuous place in their office or place of business.

**Sec. 6. Penalties for Sending Female Help to Certain Places.** Any employment agent who shall knowingly send out any female help to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be liable to pay a fine of not less than one hundred dollars (\$100), and shall be imprisoned not less than ninety days and on conviction thereof, in any court, shall have his, its or their license rescinded.

**Sec. 7. Must Obtain Bona Fide Order Before Sending Out Help.** Any employment agent who shall send out any help, male or female, without having previously obtained a bona fide order, shall, upon conviction thereof, for each and every offense be subject to the penalties provided in Section 16 of this Act.

**Sec. 8. Unlawful to Receive Money or Consideration Until Information or assistance is furnished.** It shall be unlawful for any employment agent in the State of Utah to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment, for any information or assistance furnished or to be furnished by said agent to such person, enabling or tending to enable said person to secure such employment, prior to the time at which said information or assistance is actually thus furnished.

**Sec. 9. Id. If Applicant Fails to Obtain Information or Assistance.** It shall be unlawful for an employment agent in the State of Utah to retain, directly or indirectly, any money or other valuable consideration received for any information or assistance such as is described in Section 1 hereof, if the person for whom such information or assistance is furnished fails, through no neglect or laches of his own, to secure the employment regarding which such information or assistance is furnished; and said money or consideration shall be by said agent forthwith returned to the payer of the same, upon demand therefor by the latter or his agent.

**Sec. 10. Commission Limited.** It shall be unlawful for any employment agent in the State of Utah to receive as commission, directly or indirectly, for information or assistance such as is described in Section 1 of this Act, any money or other consideration which is in value in excess of eight per cent of the amount earned, or prospectively to be earned, by the person to whom such information is furnished, through the medium of the employment regarding which such information or assistance is given, during the first month of such employment: *Provided*, that said value of said commission shall not be in excess of eight per cent of the amount actually prospectively to be earned in such

employment when it is mutually understood by the agent and person in this section mentioned, at the time when said information or assistance is furnished, that said employment is to be for a period of less than one month.

**Sec. 11. Employers' Register to Be Kept.** Each employment agent duly licensed under this Act shall enter upon a register to be kept for that purpose, and to be known as an "Employers' Register," every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual, for whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city, street and number, if any, where such work or employment is to be furnished, and the wages to be paid.

**Sec. 12. Labor Applicants' Register to Be Kept.** Each employment agent in the State of Utah shall keep a register, to be known as "Labor Applicants' Register," which shall show the name of each person to whom information or assistance is furnished, and as is described in Section 1 hereof; and the amount of the commission received in each such case therefor; the name of each person who, having received and paid for, as herein contemplated, information or assistance such as is described in Section 1 hereof, fails to secure the employment regarding which such information or assistance is furnished, together with the reason why said employment was not by said person secured, and the name of each person to whom return is made, in accordance with the provisions of Section 9 hereof, of any money or other consideration such as is in said Section named, together with the amount of said money, or the value of said consideration, thus returned. The registers required by Section 11 of this Act and by this section shall be open at all reasonable hours to the inspection of any peace official of any municipality or county in this State.

**Sec. 13. Written Copy to Be Furnished.** Every person securing information or intelligence from an employment agent in reference to hiring or engagement to work for others, as provided in Section 1 of this Act, shall be furnished a written copy in duplicate of the terms of such hire or engagement by said employment agent, showing amount of commissions or fees paid such employment agent, kind of service to be performed, rate of wages or compensation, length of time, if definite, and if indefinite, it should be so stated, of such service, with full name and address of the person or persons, firm or corporation authorizing the hire of such person; one of the aforesaid copies to be delivered to the person or persons, firm or corporation for whom the labor is to be performed, and the other to be retained by the person furnished with information or intelligence, as aforesaid; and the agent issuing

the above described written copy of the conditions of service or employment shall make and keep, in a book provided for the purpose, a third copy of the same; and any person engaged in the business of keeping an employment office, such as is contemplated by this Act, who shall fail to observe the provisions of this section shall be subject to the penalties provided in Section 16 of this Act. *Provided*, that it shall be lawful to keep the register required by Section 12 of this Act, and the receipt required by this section, in the same book and on one and the same form, if desired.

**Sec. 14. Penalty for Dividing Fees.** Any employment agent sending out help to contractors or other employers of help, and dividing the fees herein allowed with subcontractors and employers of help, or their foreman or any one in their employ, shall be subject to the penalties provided in Section 16 of this Act.

**Sec. 15. Employment or Intelligence Office Not to Be Kept in Any Place Where Intoxicating Liquors are Sold.** It shall be unlawful for any employment agent in the State of Utah to conduct the business of an employment or intelligence office in, or in connection with, any place where intoxicating liquors are sold or dispensed.

**Sec. 16. False Information. Penalties.** If any person, persons, firm, corporation, or association, or his, its, or their agent or employees engage in the business of employment or intelligence agent or broker, duly licensed, as provided in this Act, shall give any false information or shall make any misstatement or shall make any false promises concerning any work or employment or occupation, or shall fail to keep the registers as are prescribed in Sections 11 and 12 of this Act, or shall wilfully make any false entries in such register, or shall violate any other provisions of this Act, for which violation penalties are not hereinbefore provided, shall, upon conviction thereof, for each and every offense, be fined in any sum not exceeding one hundred dollars (\$100), and in the discretion of the trial judge, the license under which such person, persons, firm, corporation or association has or have been permitted to conduct the business of any employment or intelligence office, shall be forfeited.

**Sec. 17. Suits. How Brought.** All claims or suits brought in any court against any employment or intelligence agent, may be brought in the name of the party injured upon the bond deposited with the city, town or county treasurer by said employment or intelligence agent, as provided in Section 4, and may be transferred, as other claims, for damage in civil suits; the amount of damages claimed by the plaintiff, not the penalty named in the bond, shall be the test of the jurisdiction of the court in which the action is brought.

Sec. 18. **Not Applicable to Religious or Charitable Associations.** Nothing herein shall be construed so as to require any religious or charitable association which may assist in procuring situations or employment for persons seeking the same, to obtain a license so to do under the provisions of this Act.

Sec. 19. **Certain Parts of This Act to Be Conspicuously Posted.** The keeper of an employment or intelligence office shall cause two copies of Sections 7 to 10 inclusive and Sections 13 to 16 inclusive of this Act, printed in type of sufficient size to be legible and easily read, to be conspicuously posted in each room used or occupied for the purpose of such employment or intelligence office.

Approved March 2d, 1909.

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## CHAPTER 22.

### FIXING THE SALARIES OF CERTAIN OFFICERS.

An Act amending Section 2050, Compiled Laws of Utah, 1907, and fixing the Salary of the Clerk of the Supreme Court, the Reporter of the Decisions of the Supreme Court, the Adjutant General, the Assistant Adjutant General, and the State Bank Examiner.

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

SECTION 1. **Section Amended.** That Section 2050, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

2050. **Salaries of Certain State Officers.** The annual salaries of the following State officers are fixed as follows: Clerk of the Supreme Court and ex-officio Librarian, twenty-one hundred dollars; Reporter of Decisions of the Supreme Court, twelve hundred dollars; Adjutant General, fifteen hundred dollars; Assistant Adjutant General of the Governor's Staff, six hundred dollars; Bank Examiner, eighteen hundred dollars.

Sec. 2. This Act shall take effect upon approval.

Approved March 4th, 1909.

## CHAPTER 23.

## ASSISTANT TO DISTRICT ATTORNEY.

An Act Authorizing the District Attorney in Judicial Districts Having a Population of Ninety thousand or more Inhabitants to appoint an Assistant and Providing the Qualifications, Salary and Duties of said Assistant.

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

**SECTION 1. May Appoint Deputy.** Each District Attorney in Judicial Districts having a population of ninety thousand or more inhabitants, such population to be determined by the last preceding United States Census, shall have power to appoint a deputy at a salary of eighteen hundred dollars per annum, which shall be paid quarterly out of the State Treasury.

**Sec. 2. Qualifications. Bond.** Said deputy shall be an attorney at law in good standing, admitted to practice by the Supreme Court of the State of Utah, and shall during the absence or disability of the District Attorney perform all the duties pertaining to the office. The District Attorney shall be answerable for neglect or misconduct in office of such deputy and may require from him a bond for his own security. The appointment of such deputy shall be in writing, filed with the Secretary of State and may be revoked at the pleasure of the District Attorney.

**Sec. 3.** This Act shall take effect upon approval.

Approved March 5th, 1909.

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CHAPTER 24.

## INFORMATION OR INDICTMENT.

An Act to Amend Section 4734, Compiled Laws of Utah, 1907, Providing that an Information or Indictment must charge but one Offense, With Certain Enumerated Exceptions.

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

**SECTION 1. Section Amended.** That Section 4734, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

4734. **But One Offense to Be Charged. Different Counts Permitted.** The information or indictment must charge but one offense, but the same offense may be set forth in different forms under different counts; and when the offense may be committed by the use of different means, the means may be alleged in the alternative in the same count; provided, that an information or indictment for larceny may contain also a count for obtaining money by false pretenses, a count for embezzlement, and a count for receiving or buying stolen property, knowing it to be stolen; that an information or indictment for forgery may contain a count for uttering a forged instrument, knowing it to be a forgery; that an information or indictment for robbery may contain a count for larceny; that an information or indictment for burglary may contain a count for house-breaking and one for larceny, and an information or indictment for house-breaking may contain a count for larceny; that an information or indictment for rape, or assault with intent to commit rape, or carnal knowledge of a female under eighteen years of age, or attempt to commit the crime of carnal knowledge of a female under eighteen years of age, or crime against nature upon any person, or attempt to commit the crime against nature upon any person, may contain also a count for indecent assault.

Approved March 5th, 1909.

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## CHAPTER 25.

### APPORTIONMENT AND USE OF SCHOOL FUNDS.

An Act to Amend Section 1867, Compiled Laws of Utah, 1907, Relating to Apportionment and use of School Funds.

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

**SECTION 1. Section Amended.** That Section 1867, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**1867. Apportionment and Use of School Funds.** The county superintendent of each county shall, immediately upon receiving the apportionment from the State Superintendent, proceed to apportion the State School funds to the several school districts of his county according to the number of school children residing in each district over six and under eighteen years of age, as shall appear from the last enumeration reported to his office,

The County Superintendent shall apportion the county school

funds in like manner, and as soon as practicable after the receipt of the same or any portion thereof; *provided*, that before making such apportionment he shall apportion to cities of the first and of the second class and to county school districts of the first class their proportion per capita of the county school fund, after which he shall set aside so much of said county fund as the Board of County Commissioners shall order for the payment of the compensation of the County Superintendent, members of the Board of Examiners, and the expenses of the County Institute, and contingent expenses of the County Superintendent's office, and the actual and necessary traveling expenses of the County Superintendent while making his official visits, but all warrants drawn by the County Superintendent for the disbursement of the fund, so set aside, shall be approved by the Board of County Commissioners; *provided further*, that no part of either of said funds shall be used otherwise than for the payment of teachers, except as provided otherwise in this section. The County Superintendent shall file a duplicate of such apportionment with the county auditor.

Approved March 5th, 1909.

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## CHAPTER 26.

### INDECENT ASSAULT.

An Act Defining the Crime of Indecent Assault and Providing Punishment Therefor.

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

**SECTION 1. Indecent Assault Defined.** Every person, who shall assault a child, whether male or female, under the age of fourteen years, and shall take indecent liberties with or on the person of such child, without committing, intending or attempting to commit the crime of rape, or the crime of assault with intent to commit rape, upon such child, with or without the child's consent, shall be deemed guilty of an indecent assault, and on conviction thereof shall be guilty of a felony.

Approved March 5th, 1909.

## CHAPTER 27.

## INDECENCY.

An Act to Amend Section 4247, Compiled Laws of Utah, 1907, Relating to Indecency, and providing a penalty for a violation of this Act.

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

SECTION 1. Section Amended. That Section 4247, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

4247. **Indecent Exposure, Exhibiting, Writings, Etc.** Every person who wilfully and lewdly, either:

1. Exposes his person or the private parts thereof in any public place or in any place where there are present other persons to be offended or annoyed thereby; or,

2. Procures, counsels, or assists any person so to expose himself, or to take part in any model artist exhibition, or to make any other exhibition of himself to public view, or to the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts; or,

3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene, or indecent writing, paper, book, picture, print, design, figure, or device; or designs, copies, draws, engraves, paints, or otherwise prepares any obscene or indecent picture or print, or moulds, cuts, casts, otherwise obscene or indecent figure; or,

4. Writes, composes, or publishes any notice or advertisement of any such writing, paper, book, picture, print, or figure; or any notice or advertisement of any article, prescription, or preparation for producing or facilitating a miscarriage; or,

5. Sings any lewd or obscene song, ballad, or other words in any public place, or in any place where there are persons present to be annoyed thereby, is guilty of a misdemeanor.

Approved March 5th, 1909.



## CHAPTER 28.

## SUPREME COURT STENOGRAPHER.

An Act to Amend Section 666X, Compiled Laws of Utah, 1907, Relating to Supreme Court Stenographer.

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

**SECTION 1. Section Amended.** That Section 666X, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

The Supreme Court shall appoint a stenographer, who shall hold his office during the pleasure of the Court, whose duty it shall be to act as stenographer for the members of the Court, and who shall receive a salary of \$1,800 per annum, payable quarterly, in the manner provided by law for the payment of the salaries of other State officers.

Sec. 2. This Act shall take effect upon approval.

Approved March 8th, 1909.

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CHAPTER 29.

## CARE OF FEEBLE-MINDED AND NON-INSANE EPILEPTICS.

An Act Amending Section 2154, Compiled Laws of Utah, 1907, Relating to the State Mental Hospital, permitting the State to care for the Feeble-minded and Non-Insane Epileptics, and providing for admission thereof.

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

**SECTION 1. Section Amended.** That Section 2154, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

2154. **Objects.** The objects of the State Mental Hospital shall be to care for all insane persons residing within the State; also the feeble-minded and non-insane epileptics capable of mental improvement, residing within the State; and to furnish them proper attendance, medical treatment, seclusion, rest, restraint, amusement, occupation, schooling, manual training and support, tending to restore the mental and physical health of such persons, or to alleviate their suffering. Application for the admission of feeble-minded and non-insane epileptics shall be made to the superintendent of the hospital, who shall examine applicant and take evidence thereon and submit same to the State Board

of Insanity. The said board shall have authority to admit or reject the applicant. Applicant shall make application by his or her guardian, parent or friend, or by the chairman of the Board of County Commissioners of any County or member thereof.

**Sec. 2. Appropriation.** For the purpose of carrying out the provisions of this act, the sum of Twenty Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated.

Approved March 8th, 1909.

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## CHAPTER 30.

### APPROPRIATION TO WILLIAM FORSBERG.

An Act Appropriating the sum of two thousand Dollars to William Forsberg for Injuries sustained while employed by the State of Utah.

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

**SECTION 1. Appropriation.** That the sum of two thousand dollars is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to William Forsberg of Salt Lake County, Utah, for permanent injuries sustained while in charge of the X-Ray machine exhibit of the University of Utah at the State Fair in October, 1904, and the State Auditor is hereby authorized and directed, upon the application in writing of the said William Forsberg together with a written release from him of all claims and demands in full against the State of Utah for said injuries, to draw his warrant upon the State Treasurer in favor of said William Forsberg for the amount herein specified.

Approved March 8th, 1909.

## CHAPTER 31.

## ACCEPTANCE BY THE STATE OF UTAH OF CERTAIN DESERT LANDS.

An Act Amending Sections 2372 and 2380, Compiled Laws of Utah, 1907, Providing for the Acceptance by the State of Utah of certain Desert Lands, and Providing for Contracts for the Reclamation of the same, and validating, and Confirming Proceedings Heretofore taken under Chapter 2, Title 75, Compiled Laws of Utah, 1907.

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

**SECTION 1. Sections Amended.** That Sections 2372 and 2380, Compiled Laws of Utah, 1907, be, and the same are hereby amended to read as follows:

**2372. Acceptance.** The State of Utah hereby accepts the conditions of Section 4 of the Act of Congress, entitled, "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30th, 1895, and for other purposes," approved August 18th, 1894, and Acts of Congress amendatory thereof, together with all grants of land to the State under the provisions of the aforesaid Acts.

**2380. Time for Completion. Forfeitures.** All contracts shall state that the works covered by the contract shall begin with six months of the day of contract and that the construction shall be prosecuted diligently and continuously to completion, and that the cessation of work under a contract for a period of six months shall forfeit to the State all rights under said contract and the penal sum named in the bond; provided, that no property or right which was vested in the applicant or contractor at the date of the contract shall be forfeited; and, provided also, that in cases of contractors who at the date of the application, own or have vested rights in water, and in a reservoir, a reservoir site, canals, or other irrigation works, the forfeiture shall extend only to such portions of the system unconstructed at the time of default and to the penalty of the bond given by such contractor.

**Sec. 2. Repeal.** All laws or parts of laws in conflict herewith are hereby repealed, and no proceedings heretofore taken by the State Board of Land Commissioners, or by applicants under the provisions of Chapter 2, Title 75, of the Compiled Laws of Utah, 1907, shall be held or deemed to be irregular or invalid because of the fixing by Section 2380, Compiled Laws of Utah, 1907, of April 1, 1903, as the limit of time for the construction of works under contracts entered into with applicants, or because of the failure of the State of Utah to accept by

express enactment the amendments made by Congress to Section 4 of the Act of Congress entitled, "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894.

Sec. 3. This Act shall take effect upon approval.

Approved March 8, 1909.

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## CHAPTER 32.

### SCHOOL SITES AND BUILDINGS.

An Act Amending Section 1823, Compiled Laws of Utah, 1907, Providing for School Sites and Buildings; That Plans and Specifications for School Buildings be submitted to a Commission Herein Provided.

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

Section 1. **Section Amended.** That Section 1823, Compiled Laws of Utah, 1907, be, and the same is amended to read as follows:

1823. **Election to provide School Site or Building, Etc.** Plans of new Buildings to be Submitted to Commission. When necessary for the welfare of the schools of the district, or to provide proper school privileges for the children therein, or whenever petitioned so to do by one-fourth of the resident taxpayers of the district, the board shall call a meeting of the qualified voters, as defined in section eighteen hundred and eleven, at some convenient time and place fixed by the Board, to vote upon the question of selection, purchase, exchange or sale of a schoolhouse site, or the erection, removal, purchase, exchange, or sale of a schoolhouse, or for payment of teachers' salaries, or for current expenses of maintaining schools. The chairman of the Board shall be chairman, and the Clerk of the Board, secretary of such meeting. In case either of these officers is not present, his place shall be filled by some one chosen by the voters present. Notice, stating the time, place and purpose of such meeting, shall be posted in three public places in the district by the Clerk of the District Board at least twenty days prior to such meeting. If a majority of such voters present at such meeting shall by vote select a schoolhouse site, or shall be in favor of the purchase, exchange, or sale of a designated schoolhouse site, or of the erection, removal, or sale of a schoolhouse, as the case may be, the board shall locate, purchase, exchange or sell such site, or erect, remove, or sell such school-

house, as the case may be, in accordance with such vote; provided, that it shall require a two-thirds vote to order the removal of a schoolhouse.

Provided, that no schoolhouse shall hereafter be erected in any school district of this State not included in cities of the first and second class, and no addition to a school building in any such place the cost of which schoolhouse or addition thereto shall exceed \$1000 shall hereafter be erected until the plans and specifications for the same shall have been submitted to a commission consisting of the State Superintendent of Public Instruction, the Secretary of the State Board of Health, and an architect to be appointed by the Governor, and their approval endorsed thereon. Such plans and specifications shall show in detail the ventilation, heating, and lighting of such buildings. The commission herein provided shall not approve any plans for the erection of any school building or addition thereto unless the same shall provide at least fifteen square feet of floor space and two hundred cubic feet of air space for each pupil to be accommodated in each study or recitation room therein, and no such plans shall be approved by them unless provision is made therein for assuring at least thirty feet of pure air every minute for each pupil and the facilities for exhausting the foul or vitiated air therein shall be positive and independent of atmospheric changes. No tax voted by a district meeting or other competent authority in any such school district shall be levied by the trustees until the commission shall certify that the plans and specifications for the same comply with the provisions of this Act. All schoolhouses for which plans and detailed statements shall be filed and approved, as required by this Act, shall have all halls, doors, stairways, seats, passageways, and aisles, all lighting and heating appliances and apparatus arranged to facilitate egress in cases of fire or accident, and to afford the requisite and proper accommodations for public protection in such cases.

No schoolhouse shall hereafter be built with the furnace or heating apparatus in the basement or immediately under such school building.

**Sec. 2. Compensation. Expenses.** The Commission herein provided shall serve without compensation, but shall receive their actual and necessary expenses incurred in the performance of their official duties, except the architect, who shall receive as above provided and four dollars per day while attending meetings of the Commission, the account for which shall be verified on oath and be paid from the State School Fund.

Approved March 9th, 1909.

## CHAPTER 33.

## PUNISHMENT FOR REMOVAL, STEALING, OR INTERFERING WITH JOURNAL BEARINGS, BRASSES, ETC.

An Act Providing Punishment for the Removal, Stealing, or in any Manner interfering with Journal Bearings, Brasses, or other Parts of Locomotives, Tenders, or Railroad Cars, and for Buying or Receiving such Stolen Property, Knowing that the same had been stolen.

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

**SECTION 1. Penalty for Stealing, Etc., Journals, Brasses, Etc.** Any person or persons who shall unlawfully remove, take, steal, change, add to, take from, or in any manner interfere with any journal bearings or brasses, or any parts or attachments of any locomotive, tender or car, or any fixture or attachment belonging thereto, connected with, or used in operating any locomotive, tender or car owned, leased or used by any railway or transportation company in this State, is guilty of a felony.

**Sec. 2. Id. Penalty for Buying or Receiving.** Every person who buys or receives any of the property described in Section 1, knowing the same to have been stolen, is guilty of a felony.

Approved March 9th, 1909.

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CHAPTER 34.

## CERTIFICATES OF TEACHERS.

An Act Amending Section 1795, Compiled Laws of Utah, 1907, Relating to the Requirements for the Certificate of Teachers.

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

**Section 1. Section Amended.** That Section 1795, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

1795. **Certificates of two grades. Valid one year.** The County certificates issued by the State Board of Education shall be of two grades, County Grammar and County Primary, and shall be valid for one year, but may be renewed year by year without examination under such

regulations as the Board may provide. No certificate shall be granted unless the applicant be of good moral character and found proficient in pedagogy and qualified to teach the following branches of common English education namely: Reading, Writing, Spelling, English Grammar, Geography, United States History, Arithmetic, Physiology and Hygiene, Nature Studies and Drawing;

Provided, That in 1911 and thereafter all applicants for teachers' certificates to be eligible to enter the examination required by law, must file with the State Board of Education evidence of their having had at least four years' high school education or its equivalent, and in addition thereto must pass a successful examination in Psychology and History of Education; provided, further, that this requirement shall not be made of teachers who have had three years successful teaching experience in the schools of the State.

The percentage required to pass in any branch shall be prescribed by the State Board of Education.

Approved March 10, 1909.

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## CHAPTER 35.

### DESIGNATING WHAT OFFICER SHALL ATTEND STATE CONVENTION OF HEALTH OFFICERS.

An Act to Amend Section 113x22, Compiled Laws of Utah, 1907, Designating What Officer Shall Attend a Convention of Health Officers of the State.

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

**SECTION 1. Section Amended.** That Section 1113x22, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**1113x22. Membership. Expenses.** The Health Officer of each city, incorporated town and county of the State shall be a member of such convention, and his actual and necessary traveling expenses shall be paid by the city, incorporated town or county from which he holds his appointment.

Approved March 10th, 1909.

## CHAPTER 36.

## APPROPRIATING \$2500 TO MARGARET CLARK.

An Act to appropriate the sum of \$2500.00 to Margaret Clark on account of the death of her husband, Seymour L. Clark, while engaged in his duties as a Peace Officer of the State of Utah, and a Deputy Sheriff of Weber County.

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

SECTION 1. **Appropriation.** That the sum of \$2500.00 is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to Margaret Clark of Weber County, Utah, on account of services rendered to the State of Utah by her husband, Seymour L. Clark, a Deputy Sheriff of Weber County and a peace officer of the State of Utah, who was shot and killed on the night of November 27, 1908, near Uintah in said Weber County, while engaged in the discharge of his duties as such Deputy Sheriff and Peace Officer, in attempting to apprehend a burglar encountered when said Clark was returning from Uintah, having in his custody a poor unfortunate foreigner whom the said Clark and his fellow officer had rescued from the cold, and the State Auditor is hereby authorized and directed, upon the application in writing of the said Margaret Clark, and the filing with the said Auditor by the said Margaret Clark of a written release of all claims and demands in full against the State of Utah, for and on account of the death of her husband, to draw his warrant upon the State Treasurer in favor of the said Margaret Clark for the amount herein specified.

Sec. 2. This Act shall take effect upon approval.

Approved March 10th, 1909.

## CHAPTER 37.

## COMPETENCY OF HUSBAND OR WIFE TO TESTIFY IN CERTAIN CASES.

An Act to Amend Section 5014, Compiled Laws of Utah, 1907, relative to competency of husband or wife to testify in certain cases.

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

SECTION 1. **Section Amended.** That Section 5014, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:



5014. **Husband and wife incompetent as witness. Exception.** Except with the consent of both, or in case of criminal violence upon one by the other, or in cases of prosecutions of crimes referred to in Section 4224, Compiled Laws of Utah, 1907, neither husband or wife shall be a competent witness for or against the other in a criminal action or proceeding to which one or both shall be parties.

Sec. 2. This Act shall take effect upon approval.

Approved March 10th, 1909.

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## CHAPTER 38.

### DENTISTRY.

An Act to create the State Board of Dental Examiners, regulate and define the practice of Dentistry, provide penalties for the violation thereof; and to repeal Sections 747, 748, 749, 750, 751, 752, 753, 754, 756, 757, 758, 759, 759x, 759x1, 759x2, and 759x3, Compiled Laws of Utah, 1907.

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

**SECTION 1. Board of Dental Examiners created.** A Board of Dental Examiners, consisting of five members, to be appointed by the Governor, by and with the consent of the Senate, is hereby created, to be known as the State Board of Dental Examiners, whose duty it shall be to carry out the purposes and enforce the provisions of this Act.

**Sec. 2. Compensation. Expenses. Report.** Each member of the Board shall receive such compensation as the Board may determine not exceeding \$10.00 a day for the time actually engaged in the performance of his duties, and his actual and necessary expenses, out of any funds coming into the possession of the Board, but no part of the expenses of the Board, or any member thereof shall be paid out of the State Treasury. On or before the first day of December of each year the Board shall make to the Governor a report of its proceedings during the year, itemizing in such report all receipts and disbursements.

**Sec. 3. Term of Office.** Except as hereinafter provided the members of the Board shall hold office for a term of four years, and until their successors shall be duly appointed and qualified. Immediately after this Act takes effect, the Governor shall, by and with the consent

of the Senate, appoint three members of said Board to serve until the last Monday in March, 1911, and two members of said Board to serve until the last Monday in March, 1913, and until their successors shall be duly appointed and qualified. Biennially thereafter the Governor shall, by and with the consent of the Senate, appoint a sufficient number of persons, for the four year term, to complete the membership of said Board. Said term of four years shall begin on the last Monday of March in the year of such appointment.

**Sec. 4. Qualifications of Members of Board.** No person shall be appointed to membership of said Board, unless he is a reputable and ethical practicing dentist, and shall have been actively and legally engaged in the practice of dentistry in this State for at least five years next preceding the date of his appointment thereto; nor shall any person be appointed to membership on said board who is a member of the faculty of any dental college or dental department of any medical college or has any financial interest in any such college.

**Sec. 5. Shall Organize. Bond. Record.** The Board shall choose a president, a secretary, and a treasurer, from among its members. For the faithful performance of their duties the secretary and the treasurer, respectively, shall give such bond as the Board may require. The Board shall have an official seal. It shall keep a record of its proceedings, a register of all persons licensed to practice dentistry, and of all persons whose licenses have been revoked; which records shall be open to public inspection at all reasonable times. A transcript of any entry in such records, certified by the secretary under the seal of the Board, shall be evidence of the facts therein stated.

**Sec. 6. Meetings of Board. Quorum.** The Board shall meet at least once in each year, and oftener if necessary, at such times and places as it shall provide. Notice of meetings at which the Board intends to consider applications for licenses shall be given, by the Secretary, by publication for at least six successive issues in some newspaper having a general circulation in the State. A majority of the Board shall constitute a quorum. A less number may, however, in the absence of a quorum, adjourn a meeting from time to time, and direct the secretary to give notice thereof to the absent members, which notice shall be given.

**Sec. 7. By-Laws, Rules and Regulations. May Take Testimony.** The Board shall have power to adopt by-laws and rules for its procedure, and to make and enforce all needful rules and regulations for the proper and effective performance of its duties, which shall not be inconsistent with the laws of the State. It may hear testimony relating

to any matter properly before it, and for such purpose any member thereof may and is hereby authorized to administer oaths.

**Sec. 8. Unlawful to Practice Dentistry. When.** It shall be unlawful for any person to practice dentistry without having been licensed so to do by the State Board of Dental Examiners, and without having complied with the provisions of this Act; provided, however, that this section shall not annul any license heretofore granted by the Board of Dental Examiners hitherto existing, if, at the time this Act takes effect, or within sixty days thereafter, such license, or certified copy thereof, shall have been filed with the County Clerk as hereinafter provided.

**Sec. 9. Practicing Dentistry Defined.** Any and all persons shall be held to be practicing dentistry, within the meaning of this Act, who, for a fee, salary, or reward, paid or to be paid, directly or indirectly, either to himself or any other person, performs operations of any kind upon, or treats lesions of the human teeth or jaws or corrects or attempts to correct, malimposed positions thereof, or who is manager, proprietor, conductor or operator of a place for the performance of dental operations; or who displays a sign or in any way advertises himself as a dentist; and proof of any such facts shall be taken and considered, in the trial of any action for the violation of any of the provisions of this Act, as prima facie evidence of such violation. But nothing in this Act shall prohibit an unlicensed person from extracting teeth, or from performing merely mechanical work upon inert matter in a dental office or laboratory; or the student of a licentiate from assisting his preceptor in dental operations, while in the presence of, and under the personal supervision of his instructor; or a duly licensed physician or surgeon from treating diseases of the mouth, or performing operations in oral surgery, unless he practices dentistry as a specialty; or a dental surgeon of the United States Army or Navy from practicing dentistry in the performance of his duties; or a legal practitioner of dentistry of another State from making clinical demonstrations before a dental society, convention, association of dentists, or a dental college.

**Sec. 10. Application.** Any person who desires to practice dentistry in this State, shall file with the Secretary of the Board a written application for a license and furnish satisfactory evidence that he or she is at least twenty-one years of age, of good moral character, and that he or she is a graduate of a reputable dental college, recognized by the National Association of Dental Examiners, or has practiced dentistry for at least two years, or has been a bona fide student of dentistry for at least three years, or has been under the immediate super-

vision of a reputable licensed dentist for at least three years, and at the first meeting of the Board thereafter he or she shall appear before the Board and pass a satisfactory examination in the English language in the following subjects: the branches of a common school education if required by the Board; anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, bacteriology, operative surgical and mechanical dentistry; also demonstrate in operative and mechanical dentistry, if required by Board.

**Sec. 11. License.** If the examination proves satisfactory to the Board it shall issue a license to the person examined, which shall be signed by the president and the secretary and the other members of the Board, and have the official seal of the Board affixed thereto.

**Sec. 12. Id. Temporary.** The secretary shall, upon the recommendation of any three members of the Board, grant to any applicant for a license a temporary license to practice dentistry until the next meeting of the Board, at which the applicant is required to present himself for examination, at which time such license shall expire. Such temporary license shall not be granted to any person who has been rejected by the Board.

**Sec. 13. May Issue License Without Examination. When.** Within sixty days after this Act takes effect, but not thereafter, the Board may issue a license without such examination to any person who furnishes satisfactory proof that at the time this Act takes effect, he or she was legally engaged in the practice of dentistry in this State.

**Sec. 14. Id.** The Board may in its discretion, issue a license, without examination, to any applicant who furnishes satisfactory proof that he is a graduate from a reputable dental college and holds a license from a Dental Board of any other State, Territory or District of the United States, under requirements equal to those of this State, or who for five consecutive years next prior to filing his application has been in the legal and reputable practice of dentistry in any other State, Territory or District of the United States and holds a license from a similar Dental Board thereof, if in either case the laws of such State, Territory, or District accord equal rights to a licensed dentist of this State, who removes, or resides and desires to practice his profession in such State, Territory or District. No license shall be issued under this section unless authorized by an affirmative vote of a majority of the members of the Board.

**Sec. 15. Change of Residence.** Any reputable dentist of good moral character, who, having been in the legal practice of dentistry in this

State for five years or more who desires to change his residence into another State, Territory or District of the United States may apply to the Board for, and said Board may grant to him, a certificate attesting his moral character and professional attainments.

**Sec. 16. Copy of License to be Filed With County Clerk.** Every person, who receives a license from the Board, shall within thirty days thereafter, cause a copy of such license, certified by the secretary, to be filed with the Clerk of the County in which such person resides, and if he engages in the practice of dentistry in any other County or Counties, he shall also file a certified copy thereof with the Clerk of each such Counties. The original license, or a certified copy thereof, shall also be conspicuously displayed in his office. A violation of any of the provisions of this section shall work a forfeiture of such license, which shall not be reinstated except upon payment to the Board of the sum of \$25.00 as a penalty for such violation.

**Sec. 17. Duty of County Clerk.** It shall be the duty of the County Clerk of each County within this State, to make and file, with the Secretary of the Board, on or before the first day of January of each year, a list of all licenses filed with such Clerk during the preceding year.

**Sec. 18. Revocation of License.** The Board may revoke the license of any dentist:

1. If he be convicted of a felony, or a misdemeanor invoking moral turpitude; in which case, the record of conviction, or a certified copy thereof, certified by the Judge or Clerk of the Court in which the conviction is had, shall be conclusive evidence.

2. If he be guilty of unprofessional conduct, such as obtaining any fee by fraud or misrepresentation, or by employing, directly or indirectly, any student, or any unlicensed dentist, or one whose license has been revoked, to perform operations of any kind, or to treat lesions of the human teeth, or jaws, or correct malimposed positions thereof, except as hereinbefore provided; or employs what are known as cappers or steerers to obtain business; or wilfully betrays professional secrets; or advertises his dental business or treatment or devices by untruthful, improbable, or impossible statements;

3. If he uses intoxicants or drugs to such an extent as to render him unfit to practice dentistry;

4. If he maltreats his patients by reason of gross ignorance, wilfulness or neglect;

5. If he be guilty of gross immorality; or
6. If he wilfully violate any of the provisions of this Act.

**Sec. 19. Id. Charges.** No action to revoke a license shall be taken until the accused has been furnished a statement of the charges against him and notice of the time and place of hearing thereof. The accused may be present at the hearing in person, by counsel, or by both.

The statement of charges and notice may be served personally upon the accused, or mailed to him at his last known address, at least twenty days prior to the hearing. If upon such hearing the Board find the charges to be true, it may revoke his license, and all rights and privileges thereunder shall cease. When a license is revoked the Secretary shall certify the revocation to the Clerk of the County or Counties with whom the accused shall have filed his license, or certified copy thereof; the Board may, for good cause shown, reinstate any license so revoked and in case of reinstatement of the license the Secretary shall certify such reinstatement to said clerk. The right of appeal from the action of the Board in revoking the license of any dentist is hereby granted. Such appeal shall be to the District Court of the County in which such dentist is practicing, and must be taken within thirty days after notice of the action of the Board in revoking such license. The appeal is perfected upon filing notice of appeal, together with an undertaking in the sum of \$100.00 with two sureties, conditioned that if the action of the Board in revoking the license be affirmed by the District Court, the dentist will pay the costs of the appeal and the action in the District Court. Such undertaking shall be approved by the President of the Board. In lieu of the undertaking, the dentist may deposit \$100.00 with the Treasurer of the Board.

**Sec. 20. Guilty of Misdemeanor. When.** Every person is guilty of a misdemeanor, who,

1. Practices dentistry, within this State, without a license;
2. Continues to practice dentistry after his license has been revoked by the Board;
3. Practices dentistry under a false or assumed name, with the intent to deceive;
4. Falsely pretends to be a graduate of any dental college;
5. With others, practices dentistry, under any title or name, cor-

porate or otherwise, without causing to be displayed and kept in a conspicuous manner and place at the entrance of his place of business, his own and the name of every person employed therein in the practice of dentistry; together with the word mechanic or apprentice after the name of each unlicensed person employed;

6. Fails to furnish to said Board, within ten days after demand made by the Secretary, the name and address of every person practicing or assisting in the practice of dentistry in his office at any time within sixty days prior to said demand, together with a sworn statement showing under and by what license or authority said person or employee has been practicing dentistry; provided, said statement shall not be used as evidence against the person who has made the same in any prosecution for the violation of any of the provisions of this section;

7. Impersonates another at any examination held by the Board;

8. Procures a license with intent that it shall be used as evidence of the right to practice dentistry by a person other than the one to whom such license is issued;

9. Permits a license issued to another as authority of the user to practice dentistry;

10. Uses a license issued to another as authority of the user to practice dentistry;

11. Violates any of the provisions of this Act.

Sec. 21. The Secretary shall collect in advance and pay over to the treasurer, for the use of the Board, the following fees:

For filing an application for license and examination the sum of \$20.00, no part of which shall be returned; provided, however, if the applicant shall fail to pass a successful examination, he may, within six months thereafter again apply for examination without the payment of an additional fee;

For issuance of a license, \$5.00;

For certified copy of license, \$2.50;

For issuance of license without examination, \$25.00;

For certified transcript, per folio, 25 cents;

For certificate of character and attainments, \$5.00;

For each other certificate under seal, 50 cents.

Section 22. Every licensed dentist practicing within this State shall pay to the treasurer of the Board an annual license fee of \$1.00, payable on or before the first day of January, in each and every year, except the year in which his license is issued to him. In case any person defaults in paying said annual license fee, his license may be revoked on thirty days notice in writing from the Secretary, unless within said time fee is paid, together with such penalty, not exceeding \$10.00, as the Board may impose; provided, the Board may reduce or remit such fee for any year, but such reduction or remission must be made alike to all liable to pay the same.

Sec. 23. **Board or Member May Make Complaint.** The Board or any member or officer thereof may make a complaint for the violation of any of the provisions of this Act; and the Board, by its officers, counsel, and agents may aid in presenting the law or facts in any proceeding taken thereon; an injunction shall lie at the suit of the Board to restrain any unlicensed person, or one whose license has been revoked from practicing dentistry in this State.

Sec. 24. **Repeal.** Sections 747, 748, 749, 750, 751, 752, 753, 754, 756, 757, 758, 759, 759x, 759x1, 759x2, and 759x3, Compiled Laws of Utah, 1907, are hereby repealed.

Approved March 11th, 1909.

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## CHAPTER 39.

### PRIVILEGED COMMUNICATIONS AND THE RIGHTS OF WITNESSES.

An Act to Amend Section 3414, Compiled Laws of Utah, 1907, relating to Privileged Communications and the Rights of Witnesses.

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

SECTION 1. **Section Amended.** That Section 3414, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

3414. **Privileged Communication and Rights of Witnesses.** There



are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate. Therefore, a person cannot be examined as a witness in the following cases:

1. A husband cannot be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to crimes referred to in Section 4224, Compiled Laws of Utah, 1907;

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given therein, in the course of professional employment; nor can an attorney's secretary, stenographer or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which had been acquired in such capacity;

3. A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs;

4. A physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient;

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by the disclosure.

Sec. 2. This Act shall take effect upon approval.

Approved March 11th, 1909.

## CHAPTER 40.

## EXPERIMENTAL WELLS TO PROCURE SUBTERRANEAN WATERS FOR CULINARY AND DOMESTIC PURPOSES.

An Act Directing the State Board of Land Commissioners to Conduct Experiments in Sinking Wells to Procure Subterranean Waters for Culinary and Domestic Purposes, and making an Appropriation therefor, and repealing Sections 2369x and 2369x1, Compiled Laws of Utah, 1907.

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

**SECTION 1. State Board of Land Commissioners to Conduct Experiments.** That the State Board of Land Commissioners is hereby authorized and directed to conduct experiments in sinking wells for the purpose of obtaining subterranean waters for culinary and domestic purposes on the arid lands within the State.

**Sec. 2. Location of Wells.** Such wells shall be located in localities where the surrounding land is adapted for "dry farming." Not more than two wells shall be located in any one County.

**Sec. 3. Id. Deed. Right of Way. Leasing.** Such wells may be driven on State or private lands. If on private lands, then the owner thereof must give to the State a good and sufficient deed of conveyance for at least one acre of land where such well is located, together with a right of way for a public highway, of not less than four rods in width from the highway to the location of the said well.

Whenever it is necessary to install machinery for lifting the water from such wells, the Board is hereby authorized and empowered to make all rules necessary to lease said wells to the responsible bidder who will agree to furnish the water to the users thereof at the lowest price per gallon, for a period not to exceed five years.

**Sec. 4. Appropriation.** That for the purpose of carrying out the provisions of this Act, the sum of seven thousand and five hundred dollars, or as much thereof as may be necessary, is hereby appropriated from the State Treasury.

**Sec. 5. Repeal.** That Sections 2369x and 2369x1, Compiled Laws of Utah, 1907, be, and the same are hereby repealed.

**Sec. 6.** This Act shall take effect upon approval.

Approved March 11th. 1909.

## CHAPTER 41.

## SPECIAL TAX FUNDS IN CITIES.

An Act Amending Section 282x7, and Repealing Section 282x8, Compiled Laws of Utah, 1907, relating to Special Tax Funds in Cities.

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

SECTION 1. **Section Amended.** That Section 282x7, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

282x7. **Tax Warrants Due and Payable. When.** All special tax warrants shall be due and payable as follows:

If issued on account of paving improvements, in ten equal yearly installments; if issued on account of sidewalk, sewer, or curbing and guttering improvements, in five equal yearly installments. Said warrants shall indicate the time when each installment is due, and provide that interest at the rate of six per cent per annum on the whole sum unpaid shall be due and payable at the time each installment is due, and that in case of failure to pay any installment at the time the same is payable, the unpaid principal due at said time shall draw interest at the rate of eight per cent per annum, and that one or more installments in the order in which they are payable, or the whole warrant, may be paid on the day any installment becomes due by paying the amount thereof and interest to date of payment.

Sec. 2. **Repeal.** That Section 282x8, Compiled Laws of Utah, 1907, be and the same is hereby repealed.

Approved March 11th, 1909.

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CHAPTER 42.

## TOWNSITES.

An Act Amending Section 2703x, Compiled Laws of Utah, 1907, extending the time for complying with the provisions of title 82, Compiled Laws of Utah, 1907, relating to townsites.

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

SECTION 1. **Section Amended.** That Section 2703x, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

2703x. **Extending Time to Apply.** That any claimant of any lot, block or parcel of land in any town or city, as defined in this Title who shall have failed or neglected to make application for said lot, block or parcel within the time provided by law, may at any time within two years after the approval of this Act, make and file the application provided for in said title, and the same shall be heard and determined in the same manner, and with like effect as if made within the time prescribed in said original title; provided, that nothing in this Section shall be construed as to enlarge or extend the rights of parties in contest cases now pending in any court.

Approved March 11th, 1909.

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## CHAPTER 43.

### MILEAGE AND PER DIEM OF JURORS IN JUSTICES' COURTS.

An Act to Amend Section 999, Compiled Laws of Utah, 1907, entitled, "Jurors in Justices' Courts, Per Diem and Mileage."

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

**SECTION 1. Section Amended.** That Section 999, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

999. **Jurors in Justices' Courts. Mileage and Per Diem.** Every juror in a Justice's Court who attends such court upon a subpoena properly issued, and every juror serving at an inquest, is entitled to \$1.50 per day for actual attendance, and 20 cents for each mile necessarily traveled in attending said court or inquest in going only.

Approved March 11th, 1909.

## CHAPTER 44.

## SCHOOL FUNDS AND SCHOOL LIBRARIES.

An Act Amending Section 1815, Compiled Laws of Utah, 1907, relating to School Funds and Providing for School Libraries.

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

SECTION 1. **Section Amended.** That Section 1815, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

1815. **School Board to Have Control. Fund.** The School District Board shall have general charge, direction, and management of the schools of the district, and the care, custody, and control of all property belonging to the district, subject to the provisions of the law. It may annually order to be raised on the taxable property of the district, not to exceed one per cent for the support of schools, to defray current expenses and to purchase text books. It shall have the power to establish and maintain school libraries, which in districts that have no free library or reading room may be opened to the public under such regulations as the Board may provide. For the purpose of purchasing books and magazines for these school libraries, the Board shall set aside annually from the tax herein provided an amount equal to fifteen cents per capita for each child in the district between the ages of six and eighteen years, inclusive, the computation being based on the school census at the time when the tax is levied; provided, that the library fund thus created shall be expended under the direction of the State Board of Education for such books and magazines as they shall recommend and under such regulations as they may prescribe; provided, further, that this Act shall apply to all school districts outside of cities of the first and second class.

Approved March 11th, 1909.

## CHAPTER 45.

## STATE NORMAL SCHOOL.

An Act to Amend Sections 2305 and 2307, Compiled Laws of Utah, 1907, Relating to the Name of the State Normal School, Its Relation to the University, Courses of Study, Normal Scholarships, Certificates and Diplomas.

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

**SECTION 1. Sections Amended.** That Sections 2305 and 2307, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

2305. Name changed to "The State School of Education." Normal Scholarships. The State Normal School shall be continued as a department of the University, for students of both sexes, and it shall also be known as "The State School of Education," and its special work and purpose shall be to train teachers for all grades and departments of the public school. It shall offer courses of study which shall include educational theory and practice in teaching, leading to degrees; and shall prescribe work including educational theory and practice in teaching leading to teachers' certificates and diplomas. Four hundred scholarships shall be maintained in the School of Education; provided, that the holders of such scholarships enrolled in the secondary training department of the School of Education shall at no time exceed two hundred. The holders of these scholarships shall be exempt from payment of all matriculation fees. The appointment shall be made for a term of years corresponding to the length of the course or prescribed work the student elects to pursue and shall terminate at the time such student is graduated, or receives a teacher's certificate or diploma. On or before the first day of May of each year the President of the University shall determine the number of appointments to be made for the succeeding year, and shall send notice thereof to the State Superintendent of Public Instruction.

2307. *Id.* Normal Certificates and Diplomas. Holders of Normal scholarships shall be required to declare their intentions to complete the prescribed work of normal instruction for a degree, diploma or certificate, and, after completion of such work, to teach in the public schools of this State. In the event of such students discontinuing their studies at the University before said instruction is completed, they shall be required to pay to the University the amount of matriculation fees required of other students for a corresponding term of attendance; provided, that the president of the University may grant leave of ab-

sence not exceeding one year at any time to a holder of a normal scholarship, and may appoint to the vacancy during the absence on leave of the regular holder. The president of the University may at any time cancel, for neglect or incompetency, the normal scholarship of any student, and he may require, upon such cancellation, the payment to the University of all fees unexactd by reason of the scholarship. Holders of teachers' certificates issued by the School of Education of the University shall be entitled, without further examination as to scholarship, to teach the grades or subjects mentioned in the certificates for a period of five years after such certificates are issued. Holders of teachers' grammar grade diplomas thus issued shall be entitled thereafter to teach in the elementary schools without examination as to scholarship; provided, that the holder of such diploma after having had two years of successful experience in teaching in this State shall be entitled to a life grammar grade diploma to be issued by the State Board of Education. The University may confer degrees upon students who have satisfactorily completed the prescribed courses in the School of Education, which degrees shall thereafter be sufficient evidence of the holder's qualification to teach in the elementary and high schools without examination as to scholarship; provided, that a degree from the University with an accompanying diploma conferred prior to September 1, 1911, shall have the same force as a degree given for the completion of a course in the School of Education.

Approved March 11th, 1909.

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## CHAPTER 46.

### ENGINEERING EXPERIMENT STATION.

An Act Providing for the Establishment of an Engineering Experiment Station in Connection with the State School of Mines.

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

**SECTION 1. The Utah Engineering Experiment Station Established.** The Utah Engineering Experiment Station is hereby established in connection with, and as a department of the State School of Mines.

**Sec. 2. Management.** Said Station shall be under the management and control of the Regents of the University of Utah.

**Sec. 3. Objects.** Said Station is hereby authorized to carry on

experiments and investigations pertaining to any and all questions and problems that admit of experimental and scientific methods of study and the solution of which would tend to benefit the industrial interests of the State, or would be for the public good, also to publish bulletins and employ other feasible means of giving information to the public concerning the results of experiments and other work of the Station; provided, however, that the authority hereby conferred does not authorize said station to concern itself with problems that properly belong to the Experiment Station of the Agricultural College of Utah, such as those pertaining to Agriculture, Irrigation, Horticulture, Forestry, Stock Raising and Dairying.

**Sec. 4. Report.** The Regents of the University of Utah shall make a biennial report of said engineering experiment station to the Governor of the State at a time designated by the Governor.

**Sec. 5. Fiscal Year.** The fiscal year of said station shall be identical with that of the University of Utah and shall begin July 1st, 1909.  
Approved March 11th, 1909.

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## CHAPTER 47.

### RELATING TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN.

An Act Amending Section 3588, Compiled Laws of Utah, 1907, in Relation to the Exercise of the Right of Eminent Domain, by Adding Thereto a New Subdivision to be Known as Subdivision 13.

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

**SECTION 1. Section Amended.** That Section 3588, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**Sec. 3588. Exercise in Behalf of What Uses.** Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1 All public uses authorized by the Government of the United States;



2. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislature;

3. Public buildings and grounds for the use of any county, incorporated city or town, or school district; reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county, or incorporated city or town, or for draining any county, or incorporated city or town; for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels; for roads, streets, and alleys, and all other public uses for the benefit of any county, incorporated city or town, or the inhabitants thereof;

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank and turnpike roads, roads for transportation by traction engines or road locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation;

5. Reservoirs, dams, water-gates, canals, ditches, flumes, tunnels, aqueducts, and pipes for the supplying persons, mines, mills, smelters, or other works for the reduction of ores, with water for domestic or other uses, or for irrigation purposes, or for draining and reclaiming lands, or for floating logs and lumber on streams not navigable;

6. Roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places to facilitate the milling, smelting, or other reduction of ores, or the working of mines, quarries, coal mines, or mineral deposits; outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other works for the reduction of ores, or from mines, quarries, coal mines, or mineral deposits; mill dams; natural gas or oil lines, tanks, or reservoirs; also any occupancy in common by the owners or possessors of different mines, quarries, coal mines, mineral deposits, mills, smelters, or other places for the reduction of ores, or any place for the flow, deposit, or conduct of tailings or refuse matter;

7. By-roads leading from highways to residences and farms;

8. Telegraph, telephone, electric light, and electric power lines, and sites for electric light and power plants;

9. Sewerage of any city or town, or of any settlement of not less than ten families, or of any public building belonging to the State, or of any college or university;

10. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes

for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for power, light, or heat;

11. Cemeteries or public parks;

12. Pipe lines for the purpose of conducting any and all liquids connected with the manufacture of beet sugar;

13. For sites for mills, smelter, or other works for the reduction of ores and necessary to the successful operation thereof, including the right to take lands for the discharge and natural distribution of smoke, fumes, and dust therefrom, produced by the operation of such works; Provided, that the powers granted by this subdivision shall not be exercised in any county where the population exceeds twenty thousand, or within one mile of the limits of any incorporated city or town; nor unless the proposed condemnor has the right to operate by purchase, option to purchase, or easement, as to at least seventy-five per cent of the value of land acreage owned by persons or corporations situated within a radius of four miles from the mill, smelter or other works for the reduction of ores; nor beyond the limits of said four miles radius; nor as to lands covered by contracts, easements, or agreements existing between the condemnor and the owner of land within said limit and providing for the operation of such mill, smelter, or other works for the reduction of ores; nor until an action shall have been commenced to restrain the operation of such mill, smelter, or other works for the reduction of ores.

(NOTE.—The foregoing Act having been returned by his Excellency, the Governor, to the House of Representatives, that being the House in which it originated, without his approval, with his objections thereto, and the House of Representatives having entered at large his objections upon its Journal, proceeded to reconsider the bill, and thereupon the said bill passed both houses by a yea and nay vote of two-thirds of the members elected to each House, and was deposited and filed in the office of the Secretary of State of the State of Utah on the Eleventh day of March, A. D. 1909.)

## CHAPTER 48.

## HORTICULTURE.

An Act Creating a State Horticultural Commission, Providing for the Publication and Distribution of Its Reports, for the Appointment and Bonding of a State Horticultural Inspector. The Examination, Bonding and Appointment of County Inspectors, Defining their Duties; The Duties of Common Carriers, Orchardists and Nurserymen, Licensing and Bonding Nurserymen; Defining a Misdemeanor and Providing a Penalty Therefor, and Repealing Chapters One and Two, Title 34, Compiled Laws of Utah, 1907, Relating to Horticulture.

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

**SECTION 1. State Horticultural Commission Created. Term.** A State Horticultural Commission is hereby created consisting of the President of the Utah Agricultural College, and Director entomologist and horticulturist of the Utah State Agricultural Experiment Station, and one resident citizen of the State, to be appointed by the Governor, by, and with the consent of the Senate, whose official title shall be, State Horticultural Inspector. Said inspector shall hold office for a term of two years and until his successor is appointed and qualified.

**Sec. 2. Organization. Appointments. Oaths. Bond.** Said Commission shall have an office at the State Capital and within ten days after the approval of this act, they shall meet and organize by electing a president. Said commission shall appoint a competent clerk to have charge of the office and they may appoint when an emergency exists, special deputy inspectors and others who shall be expert in spraying, pruning, thinning, and other work as may be needed whose salaries shall not exceed \$4.00 per day together with their necessary traveling expenses; provided, that before entering upon their duties the members of the State Horticultural Commission shall qualify by subscribing to the constitutional oath of office and in addition, the State Horticultural Inspector; shall have practical knowledge and be expert in the line of pruning, spraying and thinning; said inspector shall file with the Secretary of State a bond with good and sufficient sureties in the sum of \$1000.00 conditioned upon the faithful performance of his duties.

**Sec. 3. Duties of State Horticultural Inspector.** The duty of the State Horticultural Inspector shall be to visit each county, to instruct the County Inspector and to perform such special inspection and other duties in the interest of horticulture as the Commission may require.

**Sec. 4. Salaries. Expenses.** The salary of the State Horticultural

Inspector shall not exceed \$1500.00 per annum and that of the office clerk shall not exceed \$800.00 per annum; provided, that the Inspector shall receive in addition to his salary his necessary and actual traveling expenses and that the remainder of the Commission may use not to exceed \$200.00 per annum from the fund hereinafter provided for necessary traveling expenses.

The salaries herein provided for shall be paid each month and the other expenses as in the case of other state officers.

**Sec. 5. Shall Take Possession of Property by the State Board of Horticulture.** The Commission shall take charge of and be the custodian of all the property of whatsoever kind now in possession of the existing State Board of Horticulture and which belongs to the State of Utah. The Secretary of said State Board of Horticulture shall carefully list all such property of the State now in the possession of said Board and shall furnish a copy to the State Horticultural Commission and file a copy with the Secretary of State within ten days after the approval of this Act.

**Sec. 6. Duties of Commissioners.** The commission may adopt such regulations as will tend to promote the horticultural interests of the State. They shall supervise the work of the horticultural inspector and shall issue bulletins and pamphlets for the promotion and protection of the horticultural industries of the State and shall have supervision over the enforcement of the provisions of this Act.

**Sec. 7. Office to Be Kept Open. Office Expenses. How Paid.** The office shall be open each day in the year excepting Sundays and legal holidays, providing, that the necessary office expenses, approved by the Commission, shall be paid from the funds hereinafter appropriated as other expenses are paid.

**Sec. 8. Gifts, Donations or Bequests.** The State Treasurer is hereby authorized to receive gifts, donations or bequests of money or property for the promotion of the horticultural interests of Utah and to disburse the same upon the warrants of the State Auditor, which said warrants shall be drawn only upon the order of a majority of the Commission, and for the purpose named in this title.

**Sec. 9. Quarantine.** The State Horticultural Commission is hereby vested with the necessary authority to enforce quarantine against any infested tract of land, building or place where any trees, plants, shrubs, vines, scions, buds, fruit or article within the State, when the same is in their judgment liable to spread insects, pests and fungus or

other diseases injurious to fruit crops or plants and provide the necessary rules and regulations to govern the same when not in conflict with the provisions of this Act.

**Sec. 10. Regulations for Quarantining and Disinfection.** For the purpose of preventing the introduction into the State or the spreading within the State of infectious or contagious diseases, insect pests, or fungus growths among trees or plants, for the prevention and treatment, cure or destruction of either fruit, tree, or plant pests, and for the disinfection or destruction of either trees or plants, box, package, or article, harboring or containing contagious or infectious disease, insects or pests detrimental to the orchards, fruit or trees or shrubs of any kind, said commission shall make regulations for the quarantining and the disinfection thereof, which said regulations shall be circulated by the Commission in printed form among the fruit growers, fruit dealers, common carriers, and nurserymen of the State, by publishing the same at least four successive times in some newspaper having a general circulation in the State and by posting copies thereof in three conspicuous places in each county, one of which shall be at the County Court House. Such rules or regulations when so published and circulated shall be held to have imparted due notice of their contents to all persons within the State and shall be binding upon them.

**Sec. 11. County Inspectors. Qualifications. Terms. Duties. Compensation.** Within thirty days after this law goes into effect, the Board of County Commissioners of each county shall appoint one county horticultural inspector and as many deputies as is deemed necessary to carry out the provisions of this Act, said inspector and deputies shall pass an examination which shall be conducted by any member of the State Horticultural Commission and shall hold a certificate from said commission showing that they are qualified to properly inspect trees and pests and are competent judges of various diseases and pests to which fruit, trees, and plants are subject together with the methods necessary for their destruction and control. The authority of any person not holding such certificate, issued by the State Horticultural Commissioners, shall not be recognized and he shall not be a qualified inspector under the terms of this Act. Such inspectors shall hold office for two years and until their successors are appointed and qualified, unless sooner removed for cause.

They shall qualify by taking and subscribing to the constitutional oath, and by giving a bond, with good and sufficient sureties, in the sum of \$500.00, conditioned upon the faithful performance of their duties and to secure the payment of actual damage arising from their wrongful inspection or treatment of orchards, fruits or nursery stock, which

shall be filed with the County Clerk; said inspector shall be paid out of the County Treasury for the time and services actually rendered at such rate per day as the County Commissioners shall fix, not to exceed \$4.00 per day for inspectors and \$3.00 per day for deputies, with reasonable transportation expenses when on official duty.

The County Inspectors shall carry out the provisions of this Act and the regulations of the State Horticultural Commission; provided, that it shall be unlawful to spray with any arsenical or other poisonous material, any tree or shrub when the same is in bloom; provided further, that in case of any County Inspector failing, refusing or neglecting to do his duty, nothing in this Act shall be construed to prevent the Horticultural Commissioners from enforcing in such County the provisions of this Act and the regulations of the Horticultural Commissioners either in person or by special deputy.

**Sec. 12. Inspection. Disinfection.** The County Horticultural Inspector or deputies in each county shall make an inspection of every orchard, nursery, vineyard, store room, or seed house, where plants are sold or kept for sale, fruit shed or packing house, cold storage house, store room, sales room, warehouse or any other place, box, barrel or article connected with horticulture within their jurisdiction as often as is deemed necessary for the protection of the fruit interests of the County. If upon such inspection any fruit, tree, plant, vine, shrub or article used in the transportation or handling of fruit, trees, vines, or plants shall be found to be infected or infested with insect pests, fungus or other diseases, eggs or larvae injurious to the horticultural interests of the County, they shall notify the owner, or the owners, person or persons in charge or possession of the infected or infested fruit, trees, vines, or shrubs, or places or articles as aforesaid, that the same is infected or infested with insects, disease, eggs or larvae injurious to the horticultural interests and shall require that such person or persons destroy or disinfect the same and make application of such treatment as prescribed by the State Horticultural Commission, within a certain time to be specified in said notice. Said notice may be served upon the person, or persons, owning or having charge of such infested or infected trees, fruits, places or articles aforesaid, by any inspectors or member of the Horticultural Commission. In addition to the above inspection shall be made the nuisance abated under the above provisions, upon the complaint of three persons showing that a public nuisance, or menace to their interests, is maintained in any orchard, lot, field, store room or place.

If the owner or owners, person or persons in charge or possession of any nursery, orchard, trees, plants, shrubs, vines, fruits, places or

articles infected or infested with said diseases, insects or any of them, their eggs or larvae, after having been notified as above, by said inspector or commissioner, to destroy or disinfect the same as directed shall fail to so destroy or disinfect, he or they shall be deemed guilty of maintaining a public nuisance, and any nursery, orchard, lot, place, trees, plants, vines, shrubs, or articles thus infected shall be adjudged and the same is hereby declared a public nuisance and shall be proceeded against as such.

It shall be the duty of the County Inspector in whose county said nuisance shall exist to cause such nuisance to be abated at once by destroying said disease, insects, pest, larvae or eggs, by disinfecting or destroying the infected or infested fruit, trees, plants, places, or articles as aforesaid and the costs thereof shall be assessed against the owner or owners, person or persons in charge of said property or premises, and if the same is not paid within thirty days from the demand the said expense shall become a County charge and the County Commissioners shall allow and pay the same out of the general fund of the County. Any and all sums so paid shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this Act, and may be recovered by an action against the owner or owners, person or persons, having in charge such property or premises.

**Sec. 13. Eradication of Incurable Tree Diseases.** For the eradication of serious, non-curable tree diseases, such as pear blight, crown gall, peach yellows, peach rosette, upon discovery of such disease or diseases, the County Horticultural Inspector shall notify the owner or owners, person or persons in charge or in possession of said trees or plants and shall require such person or persons to eradicate said disease by destroying the same within a given time to be specified in said notice, said notice to be served on the person or persons owning or having charge of such infected trees or plants by any inspector. If the owner or owners, person or persons in charge or possession of said trees or shrubs, after having been notified as above, by said inspector, to destroy the same as directed shall fail to do so, he or they shall be guilty of maintaining a public nuisance and the case shall be reported to the County Attorney, who shall file a complaint and it shall be speedily adjudicated, and if charges are sustained, the Court shall order the same destroyed or removed, the costs to be paid within thirty days by the owner or person in charge; if not so paid it shall be paid by the County and it shall be collected by the County Attorney with costs and paid into the County Treasury.

**Sec. 14. Unlawful to Sell or Offer for Sale Diseased Fruits.** It shall

be unlawful to sell or dispose of or offer to sell or dispose of or to have in one's possession for sale or barter, any fruit which is or has been infected with San Jose scale, or other scale insects, or the larvae of the codling moth, and the fact that such fruit bears the mark of any scale, or is worm eaten by the larvae of the codling moth shall be deemed conclusive evidence that said fruit is infected within the meaning of this section; and the state and county inspector and the deputies are hereby given power to seize and destroy such infected fruit whenever they shall find that the same has been packed, sold, shipped or offered for sale, or where the same has been exposed for sale, or is being held in any warehouse, store, salesroom or other place for the purpose of being sold, bartered, shipped or exposed for sale or bartered; and it is hereby made the duty of said State Inspector and said county inspectors and deputies to enforce the provisions of this section, and any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor; provided however, that any qualified Inspector or Deputy shall immediately upon being notified inspect any shipments of fruits, and issue certificate of release or inspection. Provided further, that nothing in this section shall be construed to prevent the utilization of such infected fruit in the manufacture of fruit by-products where said fruit has not been packed, sold, shipped, stored or offered or exposed for sale as fruit.

**Sec. 15. County Inspectors to Report Monthly. Biennial Report.**

The County Inspector shall make a report monthly to the County Commissioners and to the State Horticultural Commission on forms furnished by the Commission. Such report shall contain a report of the labor of the inspector and his deputies and the general condition of horticulture within the County. The State Horticultural Commission shall make a report biennially to the Governor by the first day of December preceding the meeting of the State Legislature, and the Secretary of State shall cause three thousand copies of the same to be published in a pamphlet or book form for distribution as other State publications.

**Sec. 16. Must Obtain License.** No corporation, firm, person or persons shall engage or continue in the business of selling within the State or of importing into the State, any fruit trees, shade trees, shrubs, vines, or plants known as nursery stock without having first obtained a license to do business in this State as in this Act provided.

**Sec. 17. Id. Fee. Revocation.** Any corporation, firm, or person may obtain a license from the State Horticultural Commission to engage in the business, as provided in the preceding section, upon payment of the fee of \$2.50, and by filing with the State Horticultural Com-



mission a bond, with good and sufficient sureties, in the sum of \$500.00, conditioned that the principal will comply with the provisions of this title, and will pay the cost of fumigating or disinfecting all nursery stock, materials, or goods imported into the State or sold within the State by said principal, his or their agents, and the expense of destruction of any infected nursery stock. License granted under this act shall be for one year; provided, however, that such license may be revoked at any time for any violation of this Act or the rules and regulations of the State Horticultural Commission, at the discretion of the Commission.

**Sec. 18. Nursery Stock to be Inspected.** All nursery stock grown or growing within the State to be used for sale, gift, or distribution or transportation shall, after being dug and before the same shall have been packed for delivery, be inspected by the County Inspector or his deputy and shall be disinfected or treated by such method as shall be prescribed by the State Horticultural Commission; after such inspection and treatment of the stock he shall issue his certificate to the manager of said nursery stock, said certificate shall entitle him to use said stock so inspected and disinfected or treated for filling orders for the next current delivery and such certificate issued in accordance with the provisions of this Act shall be deemed sufficient and said stock shall not be subjected to further inspection until after delivery to the planter; excepting in case where delivery is made to any nursery or nurserymen it then shall be again inspected before being stored, planted or reshipped.

Said manager shall give to the County Inspector of the County in which the nursery stock is located due notice of the time when such stock shall be ready for inspection under the provisions of this Act.

**Sec. 19. Nursery Stock to be Disinfected.** It shall be unlawful for any corporation, firm or person to sell, give away or distribute any imported trees, plants, shrubs or vines within this State, until the same shall have been disinfected or treated. Importations of any sort of nursery stock shall be held in quarantine at owner's risk until disinfected, at the cost of the importer. Said disinfection or treatment shall be made to the satisfaction of the inspector in charge, when he shall release the same and issue certificate for its removal or distribution.

**Sec. 20. Must Notify County Inspector.** Every corporation, firm, or person, his or their agent, doing business as common carriers within the State shall upon the arrival of all nursery stock, trees, plants, vines, shrubs, cuttings or scions, at the station or other place to which such nursery stock is consigned, immediately notify the County Horticultural Inspector or his deputy of such arrival and to whom consigned, with date and place of arrival, and shall hold the shipment twenty-four hours after said notice of arrival has been sent, when it may be deliv-

ered to the consignee; provided, that where such shipment is accompanied by a certificate of any County Inspector or Deputy Inspector within the State, the stock may be delivered immediately after said notice is sent.

**Sec. 21. Disposition of Moneys Collected.** All sums of money collected under the provisions of this Act shall be turned into the State treasury.

**Sec. 22. Horticultural Exhibitions.** The State Horticultural Commission may have charge either in person or by appointment of a suitable person of any horticultural exhibits, provided however, this shall not interfere with the exhibits arranged by private parties, and shall have power to arrange for and provide such exhibit and may award blue ribbon premiums for such exhibits.

**Sec. 23. Penalty.** Any corporation, firm, or person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor.

**Sec. 24. Repeal.** That Chapters one and two, Title 34, Compiled Laws of Utah, 1907, are hereby repealed.

**Sec. 25.** This Act shall take effect upon approval.

Approved March 11th, 1909.

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## CHAPTER 49.

### DISTURBING THE PEACE.

An Act Amending Section 4310, Compiled Laws of Utah, 1907, in Relation to Disturbing the Peace.

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

**SECTION 1. Section Amended.** That Section 4310, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**4310. Disturbing the Peace. Penalty.** Every person who maliciously and wilfully disturbs the peace or quiet of any neighborhood, family, or person, by loud or unusual noise, or by discharging firearms, or by tremendous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight, or fighting, is punishable by a fine not exceeding \$200.00 or by imprisonment in the County jail not exceeding two months.

Approved March 11th, 1909.

## CHAPTER 50.

## WINDING UP AFFAIRS OF CORPORATIONS.

An Act to Amend Section 323, Compiled Laws of Utah, 1907, Relating to the Winding Up of the Affairs of Corporations Whose Franchises have Expired.

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

SECTION 1. **Section Amended.** Section 323, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

323. **Winding Up Affairs.** If the franchise of any corporation organized under this chapter shall expire by limitation or by forfeiture, the corporation may nevertheless continue for the purpose of winding up its affairs. And if the franchise of any corporation organized under any law of this State, or of the late Territory of Utah, shall have heretofore expired by limitation, but the corporation shall have continued in the exercise of the franchise de facto, such corporation shall nevertheless continue for the purpose of winding up its affairs and disposing of its property or property rights.

Approved March 11th, 1909.

## CHAPTER 51.

## DIVERSION OF SHEEP INSPECTION FUND.

An Act Authorizing the Diversion of the Sheep Inspection Fund to the General Fund of the State.

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

SECTION 1. **Sheep Inspection Fund Diverted to General Fund.** All moneys or funds in the State Sheep Inspection Fund, or that may accrue to said fund in the future is hereby ordered to be diverted to, and made part of the general funds of the State.

Approved March 11th, 1909.

## CHAPTER 52.

## PROTECTION OF EMPLOYEES.

An Act Relating to the Protection of Employees and for Preventing Superintendents, Foremen, Assistants, Bosses or Any Other Person from Receiving or Soliciting Money.

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

**SECTION 1. Penalty for Receiving or Soliciting Money from Employees.** That any superintendent, foreman, assistant, boss, or any other person, or persons, who shall receive or solicit, or cause to be received or solicited, any sum of money or other valuable consideration, from any person for or on account of the employment, or the continuing of the employment of such person, or of any one else, shall be deemed guilty of a misdemeanor.

Approved March 11th, 1909.

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CHAPTER 53.

## FISH AND GAME.

An Act Providing for the Protection of Fish, Game and Birds; for the Appointing of a Fish and Game Commissioner, Chief Deputy, Chief Wardens, Hatchery Superintendents and Special Deputies; Prescribing their Powers and Duties, Providing for Fish and Game Licenses, and a fish and game Fund; providing for the building of Fish Hatcheries; and Providing Penalties for the Violation of this Act, and Repealing Chapters 1 and 2, Title 25, Compiled Laws of Utah, 1907, and all Acts or Parts of Acts in Conflict Herewith.

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

**SECTION 1. State Fish and Game Commission. Term. Qualifications. Vacancies.** That the Governor of the State of Utah by and with the consent of the Senate shall appoint a State Fish and Game Commissioner, hereafter called the State Commissioner, who shall be a resident citizen of the State of Utah, and who shall not be a member of any hunting, shooting or fishing club, whose term of office shall be four years and until his successor is appointed and qualified; provided, that when a vacancy occurs in the office of the State Commissioner and the Legislature is not in session, the Governor shall have the power to fill

such vacancy, until the next regular session of the Legislature, and he shall have the power to remove the State Commissioner at any time for cause.

**Sec. 2. Powers of Commissioner.** The State Commissioner shall have control and supervision of the waters of the State for the collection, propagation, culture and distribution of fish and game in the State, and shall receive and distribute all game, fish, fish-fry and spawn coming into his hands fairly and equitably among the several counties of the State. He shall have full control of all property of the State obtained and held for the purposes contemplated by this Act.

**Sec. 3. Id. Report.** It shall be lawful for the State Commissioner, or any person appointed by him in writing so to do, to take fish and game of any kind, dead or alive, or in any manner for the purpose of inspection, cultivation, propagation, scientific or other purposes deemed by him to be in the interest of the fish and game industry of the State.

He shall make a detailed report of his official transactions, including the number and kinds of fish and game distributed, and the locality, and the names of the streams, ponds, and lakes where the same have been placed, and submit such report to the Legislature during the first of its ensuing regular session.

**Sec. 4. Appointments.** The Commissioner may appoint by and with the approval of the Governor, and keep in service one chief deputy, six chief wardens, one hatchery superintendent for each hatchery, and one clerk, who shall be residents and citizens of the State, such appointments to be filed with the State Auditor.

**Sec. 5. Salaries. Expenses.** The State Commissioner shall receive an annual salary of eighteen hundred dollars per annum and actual and necessary traveling and contingent expenses not to exceed two thousand dollars per annum.

The chief deputy shall receive twelve hundred dollars per annum, and actual and necessary traveling expenses not to exceed six hundred dollars per annum. The hatchery superintendents and the six chief wardens shall each receive one thousand dollars per annum, and actual and necessary traveling expenses not to exceed six hundred dollars per annum; the clerk shall receive a salary of nine hundred dollars per annum.

For the proper enforcement of this Act, the State Commissioner shall appoint deputy game wardens at a compensation not to exceed three dollars per day each while actually engaged in duty, which shall be full pay for services and ordinary expenses. The State Commis-

sioner may also appoint special game wardens to serve without pay, who shall have the same powers as deputy wardens. The State Commissioner may revoke, at any time, the commission of any warden and by and with the approval of the Governor appoint his successor. The State Commissioner may also authorize certain individuals to sell licenses.

**Sec. 6. Bonds of Commissioner, Deputies and Wardens.** The State Commissioner before entering upon the duties of his office shall give a bond in the penal sum of five thousand dollars, for the faithful performance of his duties, which bond shall be approved by the State Board of Examiners and filed with the Secretary of State. The chief deputy, each of the hatchery superintendents and the six wardens, shall give a bond in the sum of two thousand dollars. The clerk and all other wardens under pay from the State shall give a bond in the sum of one thousand dollars for the faithful discharge of their duties and the prompt accounting for the payment of any moneys coming into their hands by virtue of the office. Such bond shall run to the people of the State with sureties to be approved by the State Commissioner.

**Sec. 7. Duties of Commissioner and Wardens. Id. Sheriffs and Constables.** It shall be the duty of the State Commissioner, chief wardens, and other wardens to see that all the laws of the State for the protection of fish and game are faithfully enforced throughout the State, and for this purpose they are respectively and severally given the same power and authority granted by the law to, and exercised [by] sheriffs and constables. The State Commissioners, each of the chief and other wardens throughout the State, and every sheriff and constable in the State are authorized and required to enforce this Act, and seize any game or fish taken or held in violation of this Act, and shall have the full power and authority, and it shall be the duty of each and every officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof and if without a warrant to hold him until a warrant can be procured, to open, enter and examine all cars, stages, packs, warehouses, stores, outhouses, boxes, barrels and packages where he has reason to believe any game or fish is taken or held in violation of this Act is to be found, and to seize the same; provided, that if such search or seizure be without a warrant, the officer making the same must procure a warrant therefor as soon as possible during or after the search or seizure if demanded; and, provided further, that a dwelling house actually occupied can be entered for examination only on pursuance of a warrant. It shall be the duty of the chief wardens to report annually their official acts in detail to the State Commissioner during and not later than the second week in November, and oftener if so requested by the State Commissioner.

**Sec. 8. Duties of Warden.** It shall be the duty of the game warden to take or cause to be taken in the best practical manner any imported fish, mountain trout, bass, or herring found in pools or other places where receding waters from rivers, streams, canals, or other waterways have left them and which are likely to become dry, and to make the best disposition of the dead fish in the interest of the State fish and game fund, and to carefully put back the live fish into State waters. All persons, corporations, or companies owning, or controlling irrigating canals, ditches, or mill-races for irrigation, or operating mill or power plants of any kind, before draining any such canal, ditch, or mill-race for any known purpose shall give notice to a game warden at least five days prior to such drainings. Upon failure to comply with the provisions of this section it shall be deemed a misdemeanor and punishable by a fine of not less than twenty-five dollars.

**Sec. 9. Fishways. Sawdust in Streams.** The owners of any dam across any of the public streams in this State either now in use or hereafter built shall, if so required by the State Commissioner or a game warden and under his supervision, erect suitable fishways to allow the free and uninterrupted passage of fish up and down the streams, said fishways to be built and maintained by the owner of said dam. It shall be a misdemeanor for any person or persons, corporation or corporations, or companies to build or maintain any dam that will be the means of killing or destroying the fish passing up and down the streams. And it shall be a misdemeanor for any person or persons, corporations, or companies owning any mill, factory or reduction works in this State to cause or permit any refuse matter from said mills, factories or reduction works to be washed, dumped, or placed in any of the streams or waters of this State, or to place such refuse matter from said mills, factories or reduction works in such close proximity to any of the streams that the same might be washed into said streams by rains. Any person or persons found violating the provisions of this section shall be guilty of a misdemeanor and fined not less than one hundred dollars for such violation, and each day shall constitute a separate offense.

**Sec. 10. Screens. Penalty.** It shall be unlawful for any person or persons, corporation or company, to take any water from State streams, lakes, or reservoirs for power plant purposes or water works, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering said power-plant, mill-race or water-works system, said screens or other devices to be built and maintained when required under the direction of the State Commissioner or his deputy and at the expense of the said owner or operator; provided that said screen shall not interfere with the operation of any power plant by

materially obstructing the flow of water used for power purposes. And it shall be a misdemeanor punishable by a fine of ten dollars per day for each day after notice has been given to said owner or owners of said mill-race, power plant or water-works system, to take effect ten days from date of service of notice.

**Sec. 11. Devices in Irrigation Canals.** It is hereby made the duty of the Chief Warden of each district, to see that all irrigation canals when deemed necessary by the State Commissioner are properly protected by some device (which will not be the means of obstructing the flow of water into such canals), so that no fish may enter said ditches between June 1st and September 15th of each year; said device to be provided and maintained out of the fish and game fund.

**Sec. 12. Taking Fish. When and How Lawful.** It shall be a misdemeanor for any person or persons to fish for, or take any fish from any waters of the State by any device or means whatever, except by means of hook and line, commonly known as angling, and in that way only between the 14th day of June each year and the 1st day of December following, and it shall be a misdemeanor for any person to take, or have in his possession at any time, any bass less than eight inches long, or any trout, mountain herring, or any other game fish less than six inches long; provided, that the word "angling" as used in this Act is defined to be fishing with a rod or pole held in the hand or hands, the rod or pole to have attached thereto only one line and the line to have attached thereto artificial fly hooks not exceeding two in number, or two baited hooks or one baited fish hook with not more than one gang of not more than three hooks or one trolling spoon with no more than one gang of not more than three hooks. Any violation of this section shall be punishable by a fine of not less than twenty-five dollars, for each offense.

**Sec. 13. Unlawful to Sell Trout or Bass. Limit of Catch.** It shall be a misdemeanor for any person to sell, offer or expose for sale at any time, eastern brook trout, rainbow trout, grayling trout, native trout, black spotted or mountain trout, or any other species of trout or land-locked salmon or black bass taken from any of the public streams or waters of this State, and in prosecutions hereunder it shall be sufficient to allege generally that such fish were unlawfully held and proof of sale or offering for sale or exposing for sale any variety or species of said fish, shall be prima facie evidence of guilt.

It shall be unlawful for any person to catch more than fifteen pounds of any or all of said variety or species of fish in any one day and possession of more than fifteen pounds thereof, when the party in possession fails to make satisfactory explanation, shall be deemed prima facie evidence of guilt. It shall be a misdemeanor for any person to fish for or take any fish at any time or by any device



whatever from between the crest of the dam of the Hercules Power Co. plant, in Logan River, and the Logan City Power House, on the bank of said Logan River, and also between the crest of the dam of Logan City Power House, in Logan River, and the mouth of Spring Creek where it empties into Logan River. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not less than twenty-five dollars.

**Sec. 14. Private Ponds.** The owner or owners of private fish ponds shall, before selling any fish from the same, make application, showing to the State Commissioner, by affidavit describing accurately such pond, where located, when such pond was started and stocked with fish, from where the fish were procured, the kind of fish to be sold or shipped, the railroad station from where he desires to ship such fish, and upon satisfactory showing being so made to the State Commissioner that such private pond is in fact a private pond, and the fish desired to be shipped have been raised in said pond, and upon the payment of ten dollars the State Commissioner shall issue to the owner or owners of such private ponds a permit to sell or ship such fish. Said permit must contain the date when issued, to whom issued, the number, the name and location of the pond from where the fish are to be shipped, and also the station from which the shipments are to be made.

All permits shall continue in force from the date of issuance until the 31st day of December following their issue. Such permit shall be issued in triplicate, one copy to be given to the shipper, one to the railroad or express agent at station from which the shipments are to be made, and the third copy to be placed on file in the office of the State Commissioner. A copy of the bill of lading for each and every shipment must be delivered or mailed to the State Commissioner on the day of shipment is made, by the shipper.

**Sec. 15. Unlawful for Common Carriers to Transport Fish. When.** It shall be a misdemeanor for any express company, railroad company, or other transportation company or other common carrier of any kind to receive any fish of any kind whatever for shipment, unless they have in their possession a duplicate of such shipping permit above described. And it shall be a misdemeanor to take fish or spawn from any of the lakes or streams of this State and place them in private ponds at any time of the year except as provided in Section 3 of this Act, and it shall be a misdemeanor for any person or persons to sell or offer for sale any fish not propagated or grown in a private pond; provided, that carp, suckers, chub, mullet and catfish may be sold at any time; provided that nothing in this Act shall apply to fish raised outside of this State except trout.

**Sec. 16. Use of Explosives or Drugs.** It shall be a felony for any person to kill or take any fish from any of the waters of this State by use of any poison, deleterious or stupefying drug, giant powder, or quick lime, or any explosive substance whatever, or to place or use in or on the surface of such waters any giant powder, quick lime, or explosive substance, or any poison, deleterious or stupefying drug, or to have in his possession any fish killed or taken by the use or aid of any of these substances.

**Sec. 17. Use of Seines, Traps, Etc.** It shall be a misdemeanor for any person to take any fish from the waters of the State by the erection of any weir, dam, fence, wheel, basket, net, seine, setline, sieve, gun or grabbling hook, or by any other device whatever that may be used in the unlawful catching of fish; provided, that for the purpose of catching carp, chubs, mullets, bullheads, catfish or suckers, and for these fish only, seines not more than two hundred yards long and twelve feet wide, with meshes not less than one and one-half inches square for fifty yards in the center and with meshes not less than two inches square in the wings thereof may be used in the following named waters only: Bear Lake, the Sevier River from Sevier Lake to the mouth of the Sevier Bridge reservoir, the Colorado, Green, Grand, and San Juan Rivers, in the Gunnison Reservoir, Sanpitch River, in Redmond Lake, Burville Reservoir and Sevier Rivers from the Black Knolls Creamery north to the County line between Sanpete and Sevier County;

The Otter Creek Reservoir to include the Otter Creek as far north as the old reservoir in the narrows about six miles below Greenwich, the mouth of the canal that empties into the said Otter Creek Reservoir from the east fork of the Sevier River, and the east fork of the Sevier River from its junction with the waters of Otter Creek one-fourth of a mile below the said Otter Creek Reservoir, and in Price River from Spring Glen to Green River, Carbon County, in Weber River below its junction with the Ogden River, in Bear River below Deweyville, and in Utah Lake, and Jordan River at any time, except Utah Lake, where it shall be unlawful to use seines from June 1st to September 1st and then only in the presence of a game warden who shall be paid not to exceed three dollars per day by the party drawing the seine; provided, that before any person shall use a seine in the waters named in this section, such persons shall procure a seiner's license, which can be procured from the State Commissioner on payment of one dollar; provided further, that before any person shall use a seine in any of the waters of this state, except Utah Lake, they shall give a bond to the State in the penal sum of five hundred dollars, conditioned that no fish protected by the laws of this State from seining will be taken, and that diligence will be used by them to prevent the death of any of said fish, which bond to [be] approved by and filed with

the State Commissioner. The State Commissioner shall furnish blanks for said bonds, and said commissioner shall furnish to the County Clerk of each County of the State blanks to be given to persons desiring to give bonds as herein provided. When the bond is prepared, it shall be delivered to the State Commissioner, or to a chief warden or a county clerk, who shall forward it at once to the State Commissioner. Upon approval by the State Commissioner he shall file the same in his office and issue to the person giving such bond, upon the payment of the license fee provided by law, a seiner's license. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and fined not less than fifty dollars for each offense. It shall be lawful to use spears with or without a torch or lamp-light for the taking and killing of carp and suckers, only, at any time, and it shall be lawful to take carp, suckers, chubs, mullets and catfish, at any time, with hook and line commonly known as angling from the above waters. It shall be lawful to use gill nets not exceeding two hundred yards long and ten feet wide, with meshes not less than two and one-fourth inches square, in Bear Lake only, between July 15th and April 15th of the year following; provided, that said net shall not be used within a distance of four hundred yards of the mouth of any stream flowing into said lake.

Sec. 18. **Id.** It shall be unlawful to use seines in Spring Creek Lake, which runs into Utah Lake, or within one-half mile from the mouth of any stream flowing into said Utah Lake.

Sec. 19. **Unlawful to Fish from the Back of a Horse, or by Fire or Lamplight.** It shall be a misdemeanor to fish from the back of a horse, or to travel up or down any stream on horseback while fishing for trout or mountain herring; or to fish by fire or lamp light at night.

Sec. 20. **Seizure.** All seines, guns, nets, tackle, powder, explosives, lime, poison, drugs, and other means and devices for the unlawful taking of fish or game of any kind found in the possession of any person who may be detected in unlawfully taking of fish from any of the waters of the State or killing of any kind of game shall be seized by the officer making the arrest, and if it appears from evidence before the Magistrate trying the case that the guns, seines, nets, tackle, powder, lime, poison, drugs, or other means and devices for the taking and killing of game were used for the unlawfully taking of fish or game, the same shall be confiscated and sold at public auction by the State Commissioner, and the proceeds therefrom turned into the fish and game fund.

Sec. 21. **Unlawful to Kill Deer, Etc. Penalty.** It shall be a misde-

meanor for any person at any time for the next succeeding four years to shoot at or kill any deer, elk, antelope, mountain sheep, otter, or beaver or any other game animals in this State, or to capture or hold in confinement any of the animals or their young mentioned in this Section, unless it be for private or public parks within this State, and then only by permission of the State Commissioner; and it shall be a misdemeanor punishable by a fine of not less than one hundred dollars and by imprisonment in the County Jail not less than sixty days or more than one hundred and twenty days, to kill or sell or offer for sale any part or parts of any animals mentioned in this Section, and possession thereof when the party in possession fails to make satisfactory explanation shall be deemed prima facie evidence of guilt.

It shall be lawful for any resident to kill deer from October 15th to November 15th, but it shall be unlawful for any person to kill more than one deer during any open season. Any person or persons giving evidence that will lead to the conviction of any person violating any of the provisions of this Act shall receive one-half of the fine collected for such violation.

**Sec. 22. Use of Dogs in Hunting.** It shall be a misdemeanor for any person or persons to pursue with a dog or dogs any of the animals mentioned in Section 21 of this Act.

**Sec. 23. Prairie Chicken, Grouse, Quail, Etc.** It shall be a misdemeanor for any person at any time for the next succeeding four years to shoot at or kill any partridge, prairie chicken, sage hen, grouse, Mongolian or Chinese pheasant, English pheasant, pennated grouse or quail; provided, that it shall be lawful to kill quail in Washington, Garfield and Kane counties between the first day of August and the first day of February following, and in Salt Lake, Davis, Weber, Utah, Sevier and Carbon counties during the month of October; provided further, that it shall be lawful to kill sage hens in the following counties: Rich, Box Elder, Sevier, Wasatch, Weber, Uintah, Carbon, Emery, Garfield, Grand, Iron, Beaver, Kane, Millard, Morgan, Piute, San Juan, Summit, Wayne, Sanpete and Washington, between August 1st and December 1st. And it shall be lawful to kill mourning doves in all the counties of the State between August 1st and December 1st.

Any person killing in one day or having in possession more than eight sage hens, or twenty-five mourning doves, or fifteen quail shall be guilty of a misdemeanor and punishable by a fine of not less than twenty-five dollars for each offense.

**Sec. 24. Insectivorous and Song Birds.** It shall be a misdemeanor for any person to kill, ensnare, net or entrap, at any time in the year, any gull, owl, lark, whippoorwill, thrush, swallow, snowbird, robin, or

other insectivorous or song bird, except the English sparrow, black bird, blue heron, bittern, squak, magpie or king-fisher, or to rob or destroy the nests, eggs, or young of any of the said protected birds mentioned in this section.

Sec. 25. **Ducks, Geese, Etc.** It shall be a misdemeanor for any person to take, kill, wound or shoot at, or have in his possession any wild duck, goose, snipe, shore birds, or brant, or swan between the thirty-first day of December and the first day of October following; to rob or destroy nests, eggs, or young of any of the birds mentioned in this section, or to take, wound, or shoot at any of the birds mentioned in this section between one-half hour after sunset and one-half hour before sunrise, Government standard time; provided, that no more than five, all together, of geese, brants or swans, or twenty-five of all the birds mentioned in this Section may be killed in any one day, by any one person, and the possession of more than twenty-five birds herein named, when the party in possession fails to make satisfactory explanation, shall be deemed prima facie evidence of the violation of this section and shall be punishable by a fine of not less than fifty dollars for each offense; provided, that in Washington, Kane, San Juan, Grand and Uintah counties the open season shall be between October 1st and March 15th. It shall be a misdemeanor for any person to use any sneak boat, floating blind, or sink box in hunting or pursuing any of the game mentioned in this section.

Sec. 26. **Unlawful Possession of Fish or Game.** Any person who shall have in his possession any game, fish or birds unlawfully taken is guilty of a misdemeanor. All fish and game unlawfully taken, or held unlawfully, or shipped, or consigned for shipment out of this State, shall be seized by the State Commissioner or Game Warden, and disposed of to the best interest of the Fish and Game Fund. Provided, that any person, after procuring a non-resident license, may take out of the State the amount of one day's limit, by permission of the State Commissioner, after first being inspected and marked by a game warden; provided further, that nothing in this section shall apply to fish shipped from private ponds. The possession of any animal, fish or bird or any part of the remains thereof, within the time or period within which the taking and killing or possession of the same is prohibited, shall be prima facie evidence of such unlawful taking or killing or possession.

It shall be unlawful to kill, catch, or otherwise take, or destroy, and to leave to waste, or in any manner to cause or suffer to be wasted, any bird, animal or fish in this act mentioned, or any useful part or parts thereof except mullet, suckers and carp. Any person or persons

violating any of the provisions of this section shall be guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars for each offense.

**Sec. 27. Reservation of Waters for Propagation of Fish.** For the better advancement of the fish interest of the State, the State Commissioner may select and reserve one stream, lake or pond for the period of four years, in each county, for the purpose of planting, breeding and propagation of the fish. And it shall be a misdemeanor for any person or persons to fish in any stream, lake, or pond, while so reserved. When any stream, lake or pond is selected for such a purpose, the State Commissioner shall forthwith post, or cause to be posted and maintained, conspicuous notices thereof along the banks or shores of such streams, lake or pond at points not over one mile apart and advertise in the newspaper issued and published nearest to the lake, stream or pond for two weeks prior to the closing of such stream, pond or lake to public fishing. Any person found violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not less than twenty-five dollars for each offense.

**Sec. 28. License to Hunt and Fish.** It shall be a misdemeanor for any person or persons to hunt for any kind of game, except rabbits, or fish for any kind of fish, whether protected or not, until a license is first procured, and upon request of the State Commissioner or a game warden such license must be produced for inspection at the time when the request is made. Any bona fide male citizen of the State of Utah, over the age of twelve years, upon payment of one dollar and twenty-five cents to any Justice of the Peace, or the State Commissioner, or any warden, or anybody that may be appointed or authorized to sell licenses, by the State Commissioner, shall be entitled to receive from the officer to whom such payment is made, a hunting and fishing license, which shall permit such person to pursue, hunt, or kill any of the animals, or birds mentioned in this act, during the time when it shall be lawful to kill the same, in any of the counties of this State, subject to the limitations as to number of each kind of animals, or birds herein provided, and to catch such numbers and varieties of fish according to the provisions of this act.

Such license shall state the name and place of residence of the person holding the same, and shall not be transferred to any other person. Any person who is a non-resident of the State of Utah, who is a citizen of the United States, shall, upon payment to any Justice of the Peace, or the State Commissioner, or any person authorized by him to issue licenses, the sum of five dollars, be entitled to receive from

the officer to whom such payment is made, a non-resident license, which shall permit the person to pursue, hunt and kill such number of each kind of animals, birds, or fish as provided in this act during the time when it shall be lawful to kill such animals, birds or fish. Such license shall state the place of residence of the holder thereof and shall not be transferred to any other person. Aliens or non-citizens of the United States can procure a license, only, upon payment of one hundred dollars. All of said licenses, except as otherwise provided, shall be substantially in the following form, to-wit:

License No.....  
 The holder hereof.....whose residence  
 is ..... County of ..... State of .....  
 is hereby permitted to pursue, hunt and fish within the State of Utah,  
 subject to the limitations and restrictions of the game laws of the State  
 of Utah.

Receipt of \$.....for this license is hereby acknowledged.

The holder is.....years of age, is .....feet.....inches tall,  
 weighs.....pounds, is .....complexion and has.....hair  
 and .....eyes.

Dated at .....this ..... of ..... 19..

.....

Officer's Address.

Officer's Signature.

Such license shall be printed as directed by the State Commissioner, with two stubs, which shall contain the name and residence of the person to whom issued, the number and date and the amount paid therefor, one stub to be retained by the Justice of the Peace, or deputy warden, or authorized person issuing the license, and one stub with any mutilated license with all money received from such license shall be re-mitted to the State Commissioner on the first day of each month, except fees of the person issuing the license, and in case no licenses have been issued, such officer, or authorized person, must report in writing to the State Commissioner that no licenses have been issued by him. Any person authorized to issue licenses shall retain ten per cent of the money collected as their fees, except persons receiving salary from the State. Such license shall have printed on the back a short synopsis of this act; provided, that all female persons residents of the State of Utah, and children under the age of twelve years, may take game or fish under the provisions of this act without procuring a license as provided in this act. All the licenses issued under the provisions of this act shall expire on the thirty-first day of December next following the date of their issue. Any person found hunting or fishing without a license as provided in this act shall be guilty of a misdemeanor and fined not less than ten dollars.

**Sec. 29. Penalty.** Any person found guilty of violating any of the provisions of this act shall have his license revoked and shall not have another issued for the balance of the year.

**Sec. 30. Commissioner to Provide Blank Licenses. License Fees.** It is hereby made the duty of the State Commissioner, immediately after the passage of this act, to prepare and cause to be printed suitable forms of licenses as provided in this act, and sent by registered mail, or deliver in person, taking receipt therefor, to each game warden of the State, such licenses as he may deem necessary, and to send by registered mail or deliver in person, taking receipt therefor, to the various Justices of the Peace such licenses as he may deem necessary, and it shall be the duty of the Wardens and Justices of the Peace to issue such licenses as applied for. And the State Commissioner shall supervise the selling of licenses throughout the State. Each Justice of the Peace or other person authorized under this act to issue fishing and hunting licenses shall make a report to the State Commissioner stating the number of resident licenses issued at one dollar and twenty-five cents, the number of seiner's licenses at one dollar, the number of non-resident licenses sold at five dollars, and the number of aliens' licenses issued at one hundred dollars; and he shall deposit with the State Commissioner all moneys from the sale of licenses, fines or other moneys belonging to the State Fish and Game Fund, on the first day of each month, and on the fifteenth day of each month the State Commissioner shall make a report to the State Auditor showing the number of licenses issued at one hundred dollars; and he shall deposit with the received by him belonging to the Fish and Game Fund.

Any officer who shall refuse or neglect to turn over any moneys collected for the licenses issued as herein provided, excepting his fees, shall be guilty of a felony, and upon conviction thereof shall immediately be removed from office and be liable to criminal prosecution.

**Sec. 31. Fish and Game Fund Created.** A Fish and Game Fund is hereby created, and all moneys collected for fish and game licenses, except fees to persons issuing licenses, and the net moneys collected from the fines and forfeitures for violation of the fish and game laws, shall be paid to the State Commissioner. All moneys so paid to the State Commissioner shall be and are hereby constituted a State Fish and Game Fund, said fund to be drawn upon only for payment of expenses of the State Fish and Game Department.

**Sec. 32. Id. Moneys Now Standing to Credit of Fish and Game Fund. Use of Same.** There is hereby appropriated all money now standing to the credit of the State Fish and Game Fund and all money which may be received under the provisions of this act, for the pur-



pose of paying the salaries of the various officers provided by this act; for paying the traveling expenses provided for in this act, for the expenses of the office of the State Fish and Game Commissioner, for building and maintaining of hatcheries, and for importing, propagating and protecting fish and game.

**Sec. 33. New Hatcheries. Improvement of Burraston Ponds.** The State Commissioner is hereby authorized and directed to erect and maintain at least three more hatcheries in this State for the purpose of artificial propagation and distribution of food fishes, and for the purpose of raising and distributing game birds that can be reasonably raised on the premises occupied by the hatcheries. One hatchery to be built at or near Springville, Utah County; one at or near Fish Lake, Sevier County, and one at or near Panguitch Lake, Garfield County. The State Commissioner is also directed and authorized to make needed improvements on the present hatchery and grounds; to erect and maintain other hatcheries as soon as sufficient money, not otherwise provided for, is created in the fish and game fund; and he is authorized and directed to expend one thousand dollars, or so much thereof as may be necessary on the Burraston ponds and grounds in Juab County to put them in good condition.

**Sec. 34. Shipping Fish or Game Out of State Unlawful.** It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried or transported out of this State, birds, fish or game, or any part or parts thereof, dead or alive, mentioned in this act; provided, that carp, suckers, mullet and chubs may be shipped after being first inspected by a Fish and Game Warden or his deputy; and such Fish and Game Warden or his deputy shall attach to each parcel or package of such shipment a statement that the same has been inspected, and giving the kind of fish and the weight thereof, which statement must be signed by the Fish and Game Warden or his deputy, making such inspection. And it is further provided that it is a misdemeanor for any railroad company, express company, or other transportation company, or common carrier of any kind, to receive any common fish without such inspection certificate attached thereto; provided, that nothing in this section shall apply to fish shipped from private ponds.

**Sec. 35. Repeal.** That chapters 1 and 2, Title 25, Compiled Laws of Utah, 1907, and all acts and parts of acts in conflict herewith, are hereby repealed.

**Sec. 36.** This act shall take effect upon approval.

Approved March 11th, 1909.

## CHAPTER 54.

## STATE TEXT BOOK COMMISSION.

An Act Amending Sections 1854, 1855, and 1861, Compiled Laws of Utah, 1907, Creating a State Text Book Commission and Providing for the Manner of Selecting Text Books.

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

**SECTION 1. Sections Amended.** That Sections 1854, 1855, and 1861, Compiled Laws of Utah, 1907, be, and the same are hereby amended to read as follows:

**1854. Commission Created. Shall Select Text Books.** A State Text Book Commission is hereby created and established to consist of the State Superintendent of Public Instruction, the President of the University of Utah, the President of the Agricultural College of Utah, the Principal of the State Normal School and five resident citizens of the State to be appointed by the Governor, three of whom shall be County Superintendents of Schools. Each appointed Commissioner shall serve during the period of adoption and without compensation, but his actual and necessary expenses incurred in the performance of his official duty, the account for which shall be verified on oath, shall be paid out of the public school fund. The members of this Commission or a majority of them, shall decide what text books shall be adopted in the district schools of the State except in cities of the first and second class; and their use shall be mandatory in all district schools of the State, except in cities of the first and of the second class.

**1855. Convention. When Held. How Called.** The State Superintendent shall call a convention of the Text Book Commission at least six months prior to the expiration of any contract regulating the supply and use of text books in the district schools throughout the State, and shall give at least sixty days' notice of the time of holding such convention, by publication in a newspaper having general circulation in the State.

**1861. Receiving Money or Bonus from Publisher. Penalty.** If any member of the State Text Book Commission shall receive from the publisher of any school books, or from any other person interested in the sale or introduction of any books, maps, charts, or other school supplies into the public schools in the State, any money or bonus in any manner as an inducement for the recommendation or introduction of

any such school book in the schools of the State, such person shall be guilty of a misdemeanor.

Approved March 11th, 1909.

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## CHAPTER 55.

### COMMISSIONERS OF INDIAN WAR RECORDS.

An Act Creating a Board of Commissioners of Indian War Records, Prescribing Its Duties and Compensation, and Appropriating the Sum of \$5,000 for the Compensation and Expenses of the Members Thereof, and the Publishing of the Said Records.

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

**SECTION 1. Board of Commissioners Created.** There is hereby created a Board of Commissioners to be known as "Commissioners of Indian War Records," to consist of the Adjutant General of the State, who shall be the chairman and custodian of the records thereof, and three members to be appointed by the Governor.

**Sec. 2. Duties.** The duties of said board shall be to ascertain the names of the persons who were members of any organization performing military duty during any of the Indian wars or expeditions against the Indians, or who performed the duties of home guard as members of any organization doing military duty during the time of any Indian war or expedition in this State, and to ascertain the character of the service rendered, the duration of the same, with what organization, and the name of the commanding officer under whom such service was rendered, and such other facts relating to such service as the board shall deem pertinent and proper.

**Sec. 3. May Administer Oaths, Etc.** The members of said board to be appointed by the Governor, as aforesaid, shall have power, by virtue of their office, to administer oaths, take testimony and subpoena witnesses.

**Sec. 4. Facts to be Supported by at Least Two Witnesses.** The facts relating to the service of any person, as hereinbefore set forth, shall be supported by the oath of at least two reputable witnesses made before one of the said commissioners to be appointed by the Governor, as aforesaid, and shall be by him reduced to writing and attested by the seal of said board and filed in the office of the chairman of said board.

Sec. 5. **Seal.** The seal of said board shall be circular in form, one and three-eighths inches in diameter, a circle within a circle, and between which circles shall be impressed the words "Commissioners of Indian War Records Seal," and within the inner circle shall be impressed the word "Utah."

Sec. 6. **Rules and Regulations.** The board shall have power to prescribe such rules, regulations and forms as it may deem necessary and proper regarding the taking of testimony and the preservation of said records.

Sec. 7. **Compensation. Expenses.** The Adjutant General of the State, chairman of said board, shall receive no compensation for his services. The commissioners to be appointed by the Governor, as aforesaid, shall receive the sum of \$3.00 per day for the time actually employed in the performance of their duties under this Act, and the actual expenses paid and incurred by them while actually engaged in the performance of such duties.

Sec. 8. **Id. How Paid.** The per diem and expenses of said board, as aforesaid, and the necessary clerical and other expenses, including the publishing of the said records, incurred by the Adjutant General's office, shall be allowed by the State Board of Examiners and paid, upon verified vouchers, in the manner provided by law.

Sec. 9. **Appropriation.** The sum of \$5,000.00, or as much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the payment of the compensation and expenses of said board as aforesaid.

Approved March 11th, 1909.

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## CHAPTER 56.

### FILING OF COPY OF NOTICE ON MINING LOCATION.

An Act Amending Sections 1498 and 1503, Compiled Laws of Utah, 1907, Relating to Filing of Copy of Notice on Mining Location, Fee, and of Filing Duplicate Notice of Mining Location. Fee.

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

**SECTION 1. Sections Amended.** That Sections 1498 and 1503, Com-

piled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

1498. **Filing Copy of Notice. Fee.** Within thirty days from the date of posting the location notice upon the claim, the locator or locators, or his or their assigns, must file for record in the office of the County Recorder of the county in which such claim is situated, if said claim be situated without and beyond an original mining district, a substantial copy of such notice of location. Such County Recorder shall charge and collect a fee of 50c for first folio, and for each additional folio, 20c; and, providing further, that where more than two locators sign the said notice of location, an additional fee of 10c shall be charged for each additional name, said fee shall be for filing, recording, indexing and abstracting such notice; provided, that such notice of location shall not be abstracted unless a subsequent conveyance affecting the same property be filed for record, when said notice shall be abstracted.

1503. **Duplicate Notice of Location. Fee. Penalty.** It shall be the duty of every district mining recorder to require every person depositing for record a notice of location to make a duplicate copy thereof, which copy said mining recorder shall carefully compare with the original and mark "duplicate" and endorse thereon his name, and the date and hour of filing in his office of the original. He shall, at the time of filing the duplicate notice with the original, collect, in addition to his own fee, the fee for the County Recorder for recording such duplicate. Said fee to be computed at the rate of 50c for first folio, and for each additional folio, 20c; and, providing further, that where more than two locators sign the said notice of location, an additional fee of 10c shall be charged for each additional name. He shall immediately deposit the duplicate copy with the County Recorder of the county in which the greater part of the said mining district is located for record, or forward the same to him by mail or express, or in such other manner as will insure safe transit and delivery. The fee, computed as hereinbefore described, shall accompany the duplicate. The County Recorder shall record said duplicate with the endorsements thereon for said fee. The record of said duplicate notice in the office of the County Recorder shall be considered an original record. Every person neglecting or refusing to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$300 or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment.

Approved March 11th, 1909.

## CHAPTER 57.

## STATE LIBRARY-GYMNASIUM COMMISSION.

An Act Establishing a State Library-Gymnasium Commission, Defining Its Powers, Prescribing Its Duties and Providing for Its Maintenance.

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

**SECTION 1. Commission Created.** A State Library-Gymnasium Commission, consisting of five members to be appointed by the State Board of Education, to serve without compensation, and to be under its general supervision, is hereby created.

**Sec. 2. Terms. Oath.** Of the members of the first commission, one shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. As the term of each member of the commission expires, his successor shall be appointed for a term of five years. Members of the commission shall qualify by taking oath of office as prescribed by law; provided that the term of office of the first commission shall date from July 1, 1909.

**Sec. 3. Shall Organize.** The commission shall organize immediately after the appointment and qualification of its members by electing from its members a President and a Vice-President. The commission shall also appoint a Secretary and Treasurer.

**Sec. 4. Purposes.** The purposes for which the commission is established are to increase and improve educational advantages of the State by establishing and maintaining free libraries and gymnasiums. In order to carry out its purposes the commission may receive and hold property, both real and personal, make contracts, sue and be sued, receive gifts, donations and bequests; it may enact by-laws and rules for the regulation of its work and do such other things as may be necessary to promote its purposes.

It shall publish such lists of books, and circulars relating to its work as it may deem advisable. It shall make an annual report to the State Board of Education in which it shall itemize the receipts and expenditures of all money handled by it. Such reports must contain a full inventory of all books and other property belonging to the commission, together with the location of the same.

**Sec. 5. Appropriation.** For the purpose of carrying on the work of the commission, there is hereby appropriated out of the revenues of

the State, not otherwise appropriated, the sum of \$2,000.00, or as much thereof as may be necessary; provided, that all bills drawn against this fund shall be approved by the State Board of Education and authorized by the Board of Examiners.

Approved March 11th, 1909.

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## CHAPTER 58.

### WIDTH OF PUBLIC AND PRIVATE WAYS.

An Act Amending Section 1117, Compiled Laws of Utah, 1907, Relating to the Width of Public and Private Ways.

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

**SECTION 1. Section Amended.** That Section 1117, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

1117. **Width of Public and Private Ways.** The width of all public highways, except bridges, alleys, lanes and trails, shall be at least sixty-six feet. The width of all private highways and by-roads, except bridges, shall be at least twenty feet; provided, that nothing in this title shall be so construed as to increase or diminish the width of either kind of highway already established or used as such; provided, further, that nothing in this title contained shall prevent cities from laying out, establishing, opening or accepting the dedication of streets, avenues, boulevards and alleys of any width the council of such cities shall deem proper.

Approved March 11th, 1909.

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## CHAPTER 59.

### PROVIDING FOR ARCHAEOLOGICAL AND HISTORICAL EXPLORATION AND INVESTIGATION.

An Act Providing for Archaeological and Historical Exploration and Investigation in Connection with the University of Utah, and Making an Appropriation Therefor.

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

**Regents of University Authorized to Make Explorations,**

**Etc.** That the Regents of the University of Utah are hereby authorized and empowered to make explorations and conduct excavations, in accord with the laws of the United States and of this State pertaining to such research, in those sections of the State where the remains of the ancient peoples who once inhabited our Commonwealth are found.

**Sec. 2. Appropriation. Results to Be Published. Collections.** That the sum of Two Thousand Dollars be, and the same is hereby appropriated out of any public money not otherwise appropriated, to the Regents of the University of Utah to carry on such explorations and excavations. The results of all such explorations and excavations shall be published for free distribution and all material collected illustrative of the life of these ancient races and any other material of scientific or historical value thus collected shall be deposited in the State Museum at the University of Utah and preserved and made accessible to the general public for examination and study.

Approved March 11th, 1909.

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## CHAPTER 60.

### PROCEEDINGS FOR DIVORCE.

**An Act Amending Section 1211, Compiled Laws of Utah, 1907, Relating to Proceedings for Divorce.**

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

**SECTION 1. Section Amended.** That Section 1211, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

**1211. Complaint. Testimony. Decrees.** The complaint or petition shall be in writing and verified by the oath of plaintiff, and no decree in divorce shall be granted upon default or otherwise, except upon legal testimony taken in the cause; and all hearings and trials for divorce shall be had before the court and not before a master, referee, or any other delegated representative; and the court, in all cases in divorce, shall make and file its findings and decrees upon the testimony.

Approved March 11th, 1909.



## CHAPTER 61.

## PROHIBITING THE UNAUTHORIZED USE OF CERTAIN NAMES OR PICTURES.

An Act Prohibiting the Unauthorized Use of the Name or Picture of Any Public Institution in this State, or of any Public Officer or Private Person, for the Purpose of Advertising.

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

**SECTION 1. Unlawful to Use Picture, Etc., Without Consent. Penalty.** Any person who uses for the purpose of advertising any articles of merchandise the name or picture of any public institution of this State, or any person who uses for advertising purpose or purposes of trade the official title of any public officer of this State, without the consent in writing, of such officer, or of the managing officers or board of such public institution, is guilty of a misdemeanor.

**Sec. 2. Id.** Any person who uses for advertising purposes, or for purposes of trade, or upon any postal card the name, portrait or picture of any person, if such person be living, without first having obtained the written consent of such person, or, if a minor, of his parent or guardian, or if such person be dead, without the written consent of his heirs, or personal representatives, is guilty of a misdemeanor.

**Sec. 3. Action to Prevent or Restrain. Damages.** Any living person, or the heirs or personal representatives of any deceased person, whose name, portrait or picture is used within this State for advertising purposes, or for purposes of trade, without the written consent first obtained as herein provided, may maintain an action against such person so using his name, picture or portrait, to prevent and restrain the use thereof; and may in the same action recover damages for any injuries sustained by reason of such use, and if the defendant shall have knowingly used such person's name, portrait or picture in such manner as is declared to be unlawful by this Act, the jury or court, if tried without a jury, in its discretion, may award exemplary damages.

**Sec. 4.** This Act shall take effect September 1st, 1909.

Approved March 11th, 1909.

## CHAPTER 62.

## IRRIGATION AND WATER RIGHTS.

An Act to Amend Sections 1288x6, 1288x7, 1288x8, 1288x10, 1288x13, 1288x14, 1288x15, 1288x16, 1288x17, and 1288x24 and 970x, Compiled Laws of Utah, 1907, Relating to the Duties and Powers of the State Engineer with Reference to Approval or Rejection of Applications for Water Rights, Defining the Time which May be Allowed by the State Engineer for the Beginning and Completion of Construction Work Upon Water and Irrigation Works and the Beneficial Use of Water Therefrom, Empowering the State Engineer to Grant Extensions of Time Therefor, Defining When and in What Manner the Place of Diversion and the Use of Water May be Changed, Providing for the Recording of Instruments Affecting Applications for Water Rights and What Fees Shall be Charged and Collected by the State Engineer.

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

**SECTION 1. Sections Amended.** That Sections 1288x6, 1288x7, 1288x8, 1288x10, 1288x13, 1288x14, 1288x15, 1288x16, 1288x17, and 1288x24 and 970x, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

**1288x6: Application for Unappropriated Water.** Any person, corporation, or association, to hereafter acquire the right to the use of any public water in the State of Utah, shall, before commencing the construction, enlargement, or extension of any ditch, canal, or other distributing works, or performing similar work tending to acquire the said right or appropriation, make an application in writing to the State Engineer. Such application shall be upon a blank to be furnished by the State Engineer, and shall set forth the name and postoffice address of the person, corporation, or association making the application; the nature of the proposed use for which the appropriation is intended; the quantity of water in acre feet or the flow of water in second feet to be used, and the time during which it is to be used each year; the name of the stream or other source from which the water is to be diverted; the place on such stream or source where the water is to be diverted, and the nature of the diverting works; and the dimensions, grade, shape, and nature of the proposed diverting channel; and such other facts as will clearly define the full purpose of the proposed appropriation. If the proposed use is for irrigation, the application shall show, in addition to the above required facts, the legal subdivisions of land proposed to be irrigated, with the total area thereof, and the character of the soil. If the proposed use is for developing power, the application shall show, in addition to the above required facts, the number, size, and kind of

water wheels to be employed; the head under which each wheel is to be operated; the extent of the power to be produced and the purposes for which and the places where it is to be used; also, the point where the water is to be returned to the natural stream or source. If the proposed use is for mining, the application shall show, in addition to the above required facts, the name of the mine and the mining district in which it is situated, the nature of the mineral mined, and the place where the water is to be returned to the natural stream or source. The place of diversion and the place of return of the water shall be designated with reference to the United States land corners or mineral monuments, when either the point of diversion or the point of return shall be situated within six miles of the nearest United States land corner. The storage of water by means of a reservoir shall be regarded as a diversion and the points of diversion in such case shall be deemed to include the point where the water is taken from the stream and the center of the impounding dam of the reservoir. The lands to be inundated by the reservoir shall be described as nearly as may be, and by government subdivisions if upon surveyed land, and the area of the surface thereof when the reservoir is filled shall be given.

1288x7. **Action of Engineer Thereon.** On receipt of said application it shall be the duty of the State Engineer to make an endorsement thereon of the date of its receipt, and to make a record of such receipt in a book kept in his office for that purpose. It shall be his duty to examine said application and ascertain if it sets forth all the above required facts, and if not, it shall be returned with the statement of correction, amendments, or changes required, within thirty days after its receipt, and sixty days shall be allowed for the refiling thereof. If refiled, corrected as required, within said time, the application shall, upon being accepted, take priority as of the date of its original filing, subject to compliance with the further requirements of the law and the regulations thereunder. Any corrected application filed after the time allowed shall be treated in all respects as an original application received on the date of its refiling. The date of the return of the application, with the reasons therefor, shall be endorsed on the application and a record made thereof in a book kept for recording applications. Like entries shall be made of the date when corrected applications are received by the State Engineer and of the date when rejected applications are returned to the applicant. Applications for a change of the point of diversion or place of use set forth in an approved application shall be treated as a corrected application within the meaning of this section, excepting that such change of an approved application shall not affect the priority of the original application; provided that no change of the point of diversion or place of use set forth in an approved application shall

operate to enlarge the time within which the construction work shall begin or be completed.

1288x8. **Notice of Application.** If not corrected as required, no further proceedings shall be had on such applications, but when filed in compliance with this Title, the State Engineer shall at once at the expense of the applicant, to be paid in advance, publish in some newspaper having a general circulation within the boundaries of the river system or water source from which said appropriation is to be made, a notice of the application showing by whom made; the quantity of water sought to be appropriated; the stream from which the appropriation is to be made, and at what point on the stream; the use for which it is to be appropriated and by what means; which notice shall be published at least once a week for thirty days. It is further provided, that any change in the proposed point of diversion or place of use of the water from a stream shall be subject to the approval of the State Engineer, under the provisions of Section 1288x24 hereof.

1288x10. **Applications Filed and Recorded. Action Thereon.** All applications which shall comply with the provisions of this Title and with the regulations of the State Engineer's office, shall be filed and recorded in a suitable book kept for that purpose; and it shall be the duty of said Engineer to approve all applications made in proper form and which are not in conflict with prior applications, or where the proposed use will not impair the value of existing right, provided, however, that an application for water made by a homesteader, desert entryman or person in possession of land under a contract to purchase the same, such water to be used exclusively upon the land of such person, may be approved without reference to prior conflict. But, where there is no unappropriated water in the proposed source of supply, or where the proposed use will conflict with prior applications or with existing rights, except in the cases in this section expressly provided for, it shall be the duty of the State Engineer to reject such application, or to approve the same upon the condition set forth in approval that such conflicting rights be acquired.

1288x13. **Time for Beginning and Completing Work.** In his endorsement of approval on any application, the State Engineer shall require that actual construction work must begin within six months from the date of such approval, and shall state the time within which the construction shall be completed, not exceeding five years from the date of approval; and the time within which water shall be applied to a beneficial use, not exceeding four years in addition thereto. Any applicant feeling himself aggrieved by the endorsements which the State Engineer

has made upon his application, may appeal therefrom to the District Court of the County in which the point of diversion of the proposed appropriation is situated.

The construction of the works shall be diligently prosecuted to completion, and if one-fifth of the work is not completed within one-half the time allowed, as determined by the State Engineer, he may accept and approve, as herein provided, an application for the use of all or any of the waters included in the application of the prior applicant and the right to use such water under said prior application shall thereupon be forfeited, provided, that before a forfeiture shall be declared by the State Engineer as provided herein, he shall give the applicant or his assigns sixty days notice by registered mail to his last recorded address to appear on a date to be designated and show cause, if any he has, why his application shall not be declared forfeited in whole or in part, and on such date the said applicant or his assigns shall be permitted to produce any lawful evidence tending to show compliance on his part with the law. At such hearing the State Engineer shall be authorized to hear and consider any and all competent evidence tending to show whether or not the said applicant or his assigns has or have complied with the law; and provided further that the State Engineer shall allow an extension of time on request of the prior applicant equal to the time during which work was prevented by the operation of law, beyond the power of said applicant to avoid.

*Provided*, that the State Engineer shall have power to extend the time for completion of construction or for application to a beneficial use, but only on account of delays due to physical or engineering difficulties which could not have been reasonably anticipated and in no case shall an extension of time for completion of construction be made that would place the date of proof of completion of construction more than five years from the date of approval and the proof of beneficial use more than nine years from the date of approval, except that the State Engineer shall allow an extension of time during which work was prevented by the operation of law beyond the power of said applicant to avoid.

It is further provided that in case of the works constructed by the United States Reclamation Service, or Municipal Corporations, the State Engineer may, for good cause shown, extend the time for completion of construction and application to beneficial use beyond the limits specified in this Section.

1288x14. **Aggrieved Party May Bring Action.** Any applicant or pro-

testant, who is dissatisfied with the action of the State Engineer may bring an action in the District Court of the County in which the point of diversion of the water proposed to be appropriated is situated, for the purpose of adjudicating the questions involved. Such action must be brought within sixty days of notice of the action of the State Engineer, and if not brought within that time, the Engineer shall proceed in accordance with the action taken thereon by him. But if such action be brought within said time, notice thereof shall be filed with the State Engineer, and thereafter he shall take no further action upon said application or protest until the questions involved are determined by the courts. Upon the determination of the case by the courts, the clerk of the district court in which the decree is filed shall immediately file a certified copy thereof with the State Engineer, and thereupon he shall proceed in accordance with such decree.

**1288x15. Upon Completion of Works Proof and Map Must be Filed.** Sixty days before the date set for the completion of the works to divert the water sought to be appropriated, the State Engineer, shall notify the applicant by registered mail of the date when proof of completion of works shall be due.

On or before the date set for completing the works to divert the water in accordance with his application therefor, the applicant shall make proof thereof, by filing in the State Engineer's office, on blanks to be furnished by the State Engineer, a statement descriptive of the work done. Said statement shall be sworn to by the applicant and by two disinterested witnesses, one of whom shall be a reputable hydraulic engineer and shall be accompanied by a map, profile and drawings, which shall be made on tracing linen and shall show fully and correctly, the location with reference to the United States land surveys; the nature and extent of the completed works; the natural stream or source from which and the place where the water is diverted; the place and manner of connecting with other works or streams; the ground and grade lines, the cross-sections and dimensions of the various forms of the diverting channel; the character of the materials moved and used in construction; the several appliances used to divert, measure and regulate the water; the character of all structures which cross, support or constitute the diverting channel or any part of it and such other matter as will fully and correctly delineate the work done and conform to the general rules and regulations of the State Engineer's office. The map, profile and drawings shall be certified to under oath, by the engineer who has made the same and by the applicant whose works they represent, said certificates to be substantially of such form as the State Engineer shall by general rule prescribe. As soon as proof of completion of the works has been

accepted and approved, the State Engineer shall issue his certificate of completion, which shall describe the location, extent and capacity of the works, and place such limitations on the water rights as shall be warranted by the condition of the works, but in no manner extending the rights described in the application. Proof made subsequent to the date set for the completion of the works shall cause the postponement of the priority from the date of the original application to the date when the proof is made and applications subsequent in time shall have the benefit of such postponement of priority, provided, that in case of works constructed by the National Government, the official plans, maps and specifications approved by the proper officer of the Reclamation Service, shall be accepted as a full compliance with the requirements of this section, relating to maps, profiles and drawings.

1288x16. **Certificate of Appropriation. Effect of.** Sixty days before the date set for the application of the water to a beneficial use, the State Engineer shall notify the applicant by registered mail when proof of application of the water to a beneficial use shall be due. Upon it being made to appear to the satisfaction of the State Engineer that an appropriation has been perfected in accordance with the application therefor, and that the water applied for has been put to a beneficial use, it shall be the duty of the State Engineer to issue a certificate, in duplicate, to the party making the same, setting forth the name and post office address of the person, corporation or association by whom the water is to be used; the quantity of water in acre-feet or the flow of water in second feet; the purpose for which the water is to be used; the time during which the water is to be used each year; the name of the stream or source from which the water is to be diverted; the place on the stream or source where the water is to be diverted; the priority number of the right; the date of the appropriation, and such other matter as will fully and completely define the extent and conditions of actual application of the water to a beneficial use; in no manner, however, shall the certificate extend the rights described in the application, as further defined by the certificate of completion. Failure to make proof of beneficial use of the water on or before the date set therefor, shall cause the postponement of the priority from the date fixed theretofore, to the date when the proof of beneficial use of the water is made and applications subsequent in time shall have the benefit of such postponement of priority. One copy of said certificate shall be filed in the office of the State Engineer, and the other copy shall be delivered to the appropriator and shall within thirty days be recorded by him in the office of the County Recorder of the county where the water is diverted from the natural stream or source. The certificate so issued and filed shall be prima facie evidence of the appropriator's right to the use of the water in the quantity, for the purpose and during the time mentioned therein and shall be evi-

dence of such right. The letter "B" shall be prefixed to the priority number of each certificate so issued to distinguish it from certificates issued by the district courts.

1288x17. **Priority.** The priority number of an appropriation shall be determined by the date of receiving the written application in the State Engineer's office, except as provided in Sections 1288x15 and 1288x16 hereof. Rights claimed under applications for the appropriation of water may be transferred or assigned by instruments in writing. Such instruments when acknowledged or proven and certified in the manner provided by law for the acknowledgment or proving of conveyances of real estate, may be filed and recorded in the office of the State Engineer, and shall from the time of filing the same for record in said office impart notice to all persons of the contents thereof. For recording any such instrument the State Engineer shall collect the same fees as are allowed by law to county recorders for like service, in addition to the fee for filing.

1288x24. **Place of Diversion May Be Changed. Vested Rights Protected.** Any person, corporation or association entitled to the use of water, may change the place of diversion and may use the water for other purposes than those for which it was originally appropriated, but no such change shall be made, if it impairs any vested right, without just compensation; no change of point of diversion or purpose of use shall be made except on the approval of an application of the owner by the State Engineer. Before the approval of an application the State Engineer must, at the expense of the applicant, to be paid in advance, give notice thereof by publication in some newspaper having general circulation within the boundaries of the river system or water source in which the point of diversion of the water is located; such notice shall give the name of the applicant, the quantity of water involved, the stream or source from which the appropriation has been made, the point on the stream or source where the water is diverted, the point to which it is proposed to change the diversion of the water, the place, purpose and extent of present use, and the place, purpose and extent of the proposed use. Said notice shall be published at least once a week for a period of thirty days. Any person, corporation or association interested, may at any time within thirty days after the completion of the publication of said notice, file with the State Engineer a protest against the granting of said application for change of point of diversion or purpose of use, stating the reasons therefor, which shall be duly considered by the State Engineer who shall approve or reject said application for change of point of diversion or purpose of use. Such application shall not be rejected solely for the reason that such change would impair vested rights of others, but the application if otherwise proper may be approved con-



ditionally upon such conflicting rights being acquired. The determination of the State Engineer shall be final unless appeal is taken to the district court of the county in which the point of the diversion of water is situated, within sixty days of notice of action of the State Engineer. Any person holding an approved application for the appropriation of water may change the point of diversion or place of use under proceedings taken substantially as above set forth.

970x. **Fees of State Engineer.** The State Engineer shall collect the following fees, which shall be paid by him into the State Treasury on the first Monday in January, April, July and October of each year.

For examining and approving plans and specifications for any dam, one dollar for each and every foot in height of the dam to be built; and, if necessary to inspect the site where the dam is to be built, an additional charge of ten dollars per day and expenses shall be made.

For inspecting any diverting works, by request, ten dollars per day and expenses.

For examining and filing applications to appropriate any quantity of water up to and including ten cubic feet per second, for each such application two and one-half dollars.

Applications for water that specify quantities greater than ten cubic feet per second, a fee of one dollar for each cubic foot above the ten cubic feet hereinbefore mentioned.

For applications which contemplate the storage of water, a minimum fee of \$2.50 for each such application.

Applications for water that specify quantities greater than one hundred twenty-five acre feet, a fee of two cents for each acre foot of water to be stored.

*Provided*, however, that when the filing fee for any application for water shall exceed \$1,000, the balance of the fee in excess of \$1,000, may at the option of the applicant, be paid at the time when proof of the completion of the works is submitted.

For examining map, profile and drawings that are part of the proof of appropriation, five dollars.

For approving and recording completed applications, two and 50-100 dollars.

For issuing certificates of appropriation, each, one dollar.

For examining and filing notices of protest, each, two and 50-100 dollars.

For filing any other paper, one dollar.

For certified copy of any paper, per folio, twenty cents.

For blue print copy of any map, profile or drawing, per square foot, ten cents.

For each certificate to copy of paper, drawing or map, fifty cents; provided, that the provisions of Section 970x shall not apply to works prosecuted under the supervision of the United States Reclamation Service.

**Sec. 2. Repeal. Shall Not Affect Vested Rights.** That all laws and parts of laws in conflict with the provisions of this act, are hereby repealed; but such repeal shall not affect any vested rights, and any person, corporation or association who may have heretofore filed notice of appropriation of water, or initiated any right under the provisions of any law heretofore in force in this State, may complete and perfect such appropriation or right in the same manner and with like effect as if this repeal had not been made; and such right may be perfected in accordance with the provisions of the law under which the right was initiated or under the provisions of this Act.

**Sec. 3.** This Act shall take effect upon approval.

Approved March 11th, 1909.

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## CHAPTER 63.

### ASSESSMENT OF PROPERTY.

An Act Amending Sections 2513, 2516, 2517, 2550, 2553, 2559, 2560, 2561, 2562, 2563, 2564, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2584, 2585, 2588, 2589, 2591, 2596, and 2607, Compiled Laws of Utah, 1907, Relating to the Assessment of Property.

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

**SECTION 1. Sections Amended.** That Sections 2513, 2516, 2517, 2550, 2553, 2559, 2560, 2561, 2562, 2563, 2564, 2566, 2567, 2568, 2569, 2570,

2571, 2572, 2573, 2584, 2585, 2588, 2589, 2591, 2596 and 2607, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

**2513. Railroads, Etc., Operating in More Than One County. Other Franchises. Mines, Mining Property and Net Proceeds of Mines.** All property and franchises owned by railroads, street railroads, car, telegraph and telephone, electric light, pipe line, power, canal, irrigating and express companies operated in more than one county in this State, and all the machinery used in mining and all property and surface improvements upon or appurtenant to mines and mining claims, which have a value separate and independent of all such mines or mining claims, and the net annual proceeds of all such mines and mining claims, in this State, must be assessed by the State Board of Equalization as hereinafter provided.

Other franchises, if granted by the authorities of a county or city, must be assessed in the county or city within which they are granted; if granted by any other authority, they must be assessed in the county in which the corporations, firms, or persons owning or holding them have their principal place of business.

**2516. Property Assessed as of First Day of January.** The Assessor must, before the first Monday of May of each year, ascertain the names of all taxable inhabitants, and all property in the county subject to taxation, except such as is required to be assessed by the State Board of Equalization, and must assess such property to the person by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock M. of the first day of January next preceding, and at its value on that date. Credits must be assessed as provided in Section 2518 and Subdivision 6 of Section 2517. No mistake in the name of the owner or supposed owner of property renders the assessment thereof invalid.

In order that the assessors, as provided in Section 2056, shall have their offices fully acquainted with all the property in the respective counties, they shall be required to visit each separate district or precinct, either in person or by deputy, annually, and in person or by deputy annually inspect the property they are required to assess. The intent of the last two provisions is to require assessors to acquire as full knowledge as possible of the property that should be entered upon the assessment roll in their respective counties, so that all property shall be assessed and bear its share of the burden of taxation.

**2517. Assessor May Require Statement From Tax Payer.** He may require from any person a statement under oath setting forth specifically all the real and personal property owned by such person, or in his pos-

session or under his control, at twelve o'clock M. on the first day of January. Such statement must be in writing, showing separately:

1. All property belonging to, claimed by, or in the possession or under the control or management of such person;

2. All property belonging to, claimed by, or in the possession or under the control or management of any firm of which such person is a member;

3. All property belonging to, or claimed by, or in the possession of, or under the control or management of any corporation of which such person is president, secretary, cashier, or managing agent;

4. The county in which such property is situated or in which it is liable to taxation, and is liable to taxation in the county in which the statement was made, also the city, town, school district, road district, or other revenue district in which it is situated;

5. A statement of all lands in parcels or subdivisions, not exceeding 640 acres each, and the sections and fractional sections of all tracts of land containing more than 640 acres which have been sectionized by the United States government; improvements, and personal property, including all vessels, steamers, and other water craft, and all taxable state, county, city, or other municipal or public bonds, and the taxable bonds of any person, firm, or corporation, and the deposited money, gold dust, and other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found, all mortgages, deeds of trust, contracts, and other obligations by which a debt is secured, and the property affected thereby;

6. All solvent credits, secured or unsecured, due or owing to such persons, or to any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier, or managing agent, deducting from the sum total of such credits only such debts, secured, or unsecured, as may be owing by such person, firm, or corporation; Provided, that mutual benefit building societies incorporated under the laws of this State or of the Territory of Utah shall be allowed to deduct from their taxable credits the amount due to the members (stockholders) of such societies.

**2550. Assessor to Furnish Information to State Board.** The County Assessor shall furnish to the State Board of Equalization, promptly upon demand, any information it may require as to the several kinds of personal and real property and the assessed value thereof, assessed in the county.

He shall also, on the first Monday of March in each year furnish to the State Board of Equalization, upon blanks to be furnished him

by the Board at the same time that the assessment rolls are furnished, a complete list and description in detail of all the machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of all such mines or mining claims, situate in his county, and note thereon in his judgment the value of such property, for the use of the State Board of Equalization in making the assessment.

**2553. List of Mining Patents. Maps and Plats.** The State Board of Equalization shall furnish the County Assessor, annually, by February 1st, a list of all patents of mining locations and of coal lands, and the number of acres in each, and all lands for which receivers' final receipts have been issued for which patents have not been issued, not previously reported. The Board of County Commissioners must, on or before the first Monday after the first Tuesday of January of each year, provide maps corrected and revised to the first day of January at 12 M. next preceding for the use of the assessor, showing the private lands owned or claimed in the county, and if surveyed under the authority of the United States, the divisions and subdivisions of the surveys. Maps of cities and towns or school districts may in like manner be provided. The cost of making such maps where they have not already been made, or of revising the same, shall be paid for, one-half by the State and one-half by the County.

**2559. Statement of Railroads, Etc., to State Board.** The president, secretary, superintendent, or managing agent, or such other officer as the State Board of Equalization may designate, of any corporation, and each person or association of persons, owning or operating any railroad, street railroad, car, telegraph, telephone, electric light, pipe line, power, canal, irrigating or express companies in more than one county in this State, must, on or before the second Monday in February in each year furnish the said board a statement signed and sworn to by one of such officers, or by the person or one of the persons forming such association, showing in detail for the year ending at 12 o'clock M. on the first day of January in each year, all property, real, personal, or otherwise, owned by said corporation, person, or association of persons in the State, including a statement of mileage in each county, as valued at 12 o'clock M. on the first day of January of each year, and such other information as the Board may require. And the owner or owners of all mines or mining claims in the State must, on or before the second Monday in February in each year, furnish a statement in detail showing the net proceeds of such mines or mining claims for the year ending at 12 o'clock M. on the first day of January next preceding and a statement in detail showing all the machinery used in mining and all property and surface improvements upon or appurtenant to such

mines or mining claims which have a value separate and independent of all such mines or mining claims as valued at 12 o'clock M. on the first day of January of each year, which must be sworn to by the president, secretary, superintendent, or managing agent or such other officer as the State Board of Equalization may designate, or by the owners of such mines or mining claims.

Any officer of a railroad, street railroad, car, telegraph, telephone, electric light, pipe line, power, canal, irrigating or express company, or any owners or owner of mines and mining claims, or officers or companies owning mines or mining claims, failing on demand to furnish the statement required, shall be subject to the penalty provided in Subdivision 2, Section 2521, Compiled Laws of Utah, 1907.

**2560. Sessions of Board. Assessments. Apportionment.** The State Board of Equalization must meet at the State capital on the first Monday in March and continue in open session at the State capital, or at such other place in the State as the Board may determine, until the first Monday in May, and later if the business of the Board requires it, and at such meetings assess at their actual value at 12 o'clock M. on the first day in January of each year all the property and franchises of railroad, car, street railroad, telegraph, telephone, electric light, pipe line, power, canal, irrigating and express companies operating in more than one county of this State; and all the machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims, which have a value separate and independent of all such mines or mining claims, and the net annual proceeds of all mines or mining claims, but franchises derived from the United States must not be assessed. All such property must be assessed in the name of the owner, person, corporation or association owning, leasing or using the same. As soon as such assessment is completed a copy of same must be furnished to the owner.

On the third Monday in May the Board shall again reconvene in open session at the State capital and continue in session not later than the third Monday in June, and at such session the owner of any property assessed by the State Board of Equalization may apply to have the same corrected in any particular, and the Board may correct and increase or lower the assessment made by it. After all applications for corrections are disposed of the Board must apportion the total assessment of all property and franchises of such companies, mines and mining claims to the several counties through or into which the property of such companies extends or operates, or in which the mines or mining claims are situated, as follows:

1st: All the property of railroads, street railroads, telegraph,

telephone, electric light, pipe line, power, canal, irrigating and express companies, other than franchises and rolling stock, and all the property of mines and mining claims to each county through which said railroad, street railroads, telegraph, telephone, electric light, pipe line, power, canal, irrigating or express company operates, or in which said mines or mining claims are situated, in proportion to the value thereof in each county;

2nd: The franchises and rolling stock of all railroads and street railroads to the county through which said railroads or street railroads operate in the proportion that the length of the main tracks, side tracks, passing tracks, switches and tramways of such railroad or street railroad companies respectively in each county bear to the total length of the main tracks, passing tracks, and side tracks, switches and tramways thereof in the State. Rolling stock of standard and narrow gauge railroad of said companies shall be apportioned to their standard and narrow gauge lines respectively;

3rd: The franchises of telegraph, telephone, electric light, pipe line, power, canal, irrigating and express companies to each county in the proportion that the value of the property of said business each county bears to the total property of said business in the State;

4th: The assessment of property of car companies shall be apportioned to the several counties of the State in which railroads are operated in the proportion that the length of main tracks, passing tracks and side tracks, switches and tramways of all railroads in each county bear to the total length of the main tracks, passing tracks and side tracks, switches and tramways of all the railroads in the State;

*Provided*, that the railroads mentioned in this subdivision are the railroads assessed by the State Board of Equalization;

5th: The net proceeds of all mines and mining claims shall be apportioned respectively to the county in which the mines or mining claims assessed for same are situated.

On the first Monday in July the Board shall again reconvene at the State Capital or at such other place as it may determine, and at such session shall examine and compare the reports of the County Auditors made on the first Monday in July for the purpose of equalizing the taxable property of the several counties in the State for the purpose of taxation; make the annual State tax levy, and remain in session until the fourth Monday in July, and later if the business of the Board be not completed.

2561. **Entry of Assessments. County Board Cannot Change.** The State Board of Equalization shall, before the fourth Monday of June, transmit by mail to the County Auditor of each county to which such ap-

portionment has been made, a statement showing the property assessed and the assessed value of same, as fixed and apportioned to the county. The County Auditor must enter the statement on the assessment roll or book of the County and enter the amount of the assessment apportioned to the county in the column of the assessment book or roll as aforesaid, which shows the total value of all property for taxation of the county.

No Board of County Commissioners or County Board of Equalization has power to change any assessment fixed by the State Board of Equalization.

**2562. County Board to Apportion Among Cities, Towns, Etc.** On the second Monday in August the Board of County Commissioners of each county must take and cause to be entered in the proper record an order stating and declaring the property assessed by the State Board of Equalization apportioned to such county; and the said Board of County Commissioners, acting as a Board of Equalization for said county, shall in like manner apportion the assessed valuation of all the property and franchises of railroad, car, street railway, telegraph, telephone, electric light, pipe line, power, canal, irrigating, and express companies, so apportioned to said county by the State Board of Equalization, to the several city, town, school, road, or other lesser taxing districts in the county through or into which said property extends; and the County Auditor must transmit to the city or town council, or the trustees or other legislative bodies of incorporated cities or towns, the trustees of each school district, and the legal authorities of other taxing districts in which said property is situated, a copy of the order of the County Board of Equalization making said apportionment. All such property is taxable upon said assessment at the same rate, by the same officers, and for the same purposes as the property of individuals within such city, town, school, road, or other taxing districts, respectively, and such taxes, except the taxes on car companies, must be collected in the same manner and by the same officers as other taxes are collected. The County Board of Equalization, after making apportionment of the property assessed by the State Board of Equalization to the several city, town, school, road, or other lesser taxing districts shall transmit a copy of such apportionment relating to car companies to the secretary of the State Board of Equalization, in which shall be set forth the apportioned valuation of each car company and the rate of tax levy for all purposes in each taxing district.

**2563. Application to State Board to Change Assessment. Action.** If the owner of any property assessed by the State Board of Equalization is dissatisfied with the assessment made by such Board, such owner may,



between the third Monday in May and the second Monday in June apply to the Board to have the same corrected in any particular, and the Board may correct and increase or lower the assessment made by it, so as to equalize the same with the assessment of other property in the State.

**2564. State Board to Prepare Record of Assessment of Railroads, Etc.** The State Board of Equalization must prepare each year a book, to be called "Record Assessment of Railroad and other Companies," in which must be entered each assessment made by the Board, either in writing or both writing and printing. Each assessment so entered must be signed by the President and Secretary of the Board. The record of the apportionment of the assessment made by the Board to the counties must be made in a separate book, to be called "Record of Apportionment of Assessments." In such last described book must be entered the names of the railroad and other lines assessed by the Board, the names of the corporations to which, or the name of the person or association to whom, the same were assessed, the whole number of miles of the railroad, car, street railroad, telegraph, and telephone lines in the State, the number of miles in each county, the total assessment of all such property and the amount of the apportionment of such total assessments to each county. There must be also entered in detail the names of the mines or mining claims whose machinery, and whose property and surface improvements which have a value separate and independent of all such mines or mining claims which have been assessed by the Board also the name of the owners of the same.

**2566. Net Proceeds of Mines.** Every person, corporation, or association engaged in mining upon a vein or lode, or placer mining claim, containing any gold, silver, coal or other valuable mineral deposits, must each year, make out a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, corporation, or association during the year next preceding the first Monday in January and the value thereof, which statement shall give the fine ounces of gold and silver, and pounds of lead and copper, also the net annual proceeds of coke made from coal, or bullion or matte made from ore not taxed which is deemed a product of mines. Also a statement showing all the machinery used in mining, and all property and surface improvements upon or appurtenant to each mine or mining claim, which have a value separate and independent of all such mines or mining claims owned or worked by such person, corporation or association during the year preceding the first day of January, and the value of the same at 12 o'clock on the first day of January. Such statement must be verified by the oath of such person, or by the president, secretary, superintendent or managing agent

of such corporation or association, who must furnish the same to the State Board of Equalization on or before the second Monday of February in each year. The owner or owners of any mines, dissatisfied with the assessment made upon its net proceeds, or other property may between the third Monday in May and the second Monday in June apply to the Board to have the same corrected in any particular, and the Board may correct and increase or lower the assessment made by it to equalize the same with the assessment of other property.

2567. **Id. What to Contain.** The statement mentioned in the preceding section as to Net Proceeds of Mines must contain a true and correct account of the actual expenditures of money and labor in extracting the ore or mineral from the mine, transporting the same to the mill or reduction works, and the reduction of the ore and the conversion of the same into money, or its equivalent, during the year.

2568. **Id. Expenditures Allowed.** In making the statement of the expenditures mentioned in the preceding section there must be allowed all money expended for necessary labor, machinery, and supplies needed and used in the mining operations, for improvements necessary in and about the workings of the mine for reducing the ore, for the construction of mills and reduction works used and operated in connection with the mine, for transporting the ore, and for extracting the metals and minerals therefrom; but the money invested in the mines or improvements during any year except the year immediately preceding such statement must not be included therein. Such expenditures shall not include the salaries or any portion thereof of any person or officers not actually engaged in the work of the mine, or personally superintending the management thereof.

2569. **Special Assessment Book for.** The State Board of Equalization must at its meeting commencing on the first Monday in March assess the net proceeds of mines, and before the third Monday in June apportion the total assessment of the net proceeds of mines to the several counties in which the mines are located. The State Board of Equalization must prepare each year a book to be called the "Assessment Book of the Net Proceeds of Mines" in which must be listed the net proceeds of all mines in the state, and in which must be specified, in separate columns, and under the appropriate head:

1. Owner of the mine;
2. Name and description and location of the mine;
3. County in which it is situated;

4. Number of tons extracted during the year;
5. Gross yield in dollars;
6. Actual cost of extracting same from the mine;
7. Actual cost of transportation to place of reduction or sale;
8. Actual cost of reduction or sale;
9. Cost of construction and repairs of mine and reduction work;
10. Net proceeds in dollars;
11. Fine ounces of gold and silver, pounds of lead and copper stated separately.

2570. **Id. Procedure, Etc., in Assessment of Mines, Etc.** The duties of the State Board of Equalization and County Auditors as to the assessment of the net proceeds of mines, and the property of mines and mining claims, the statement and returns to be made, the equalization thereof, and the official acts, are the same as those mentioned in this chapter for the assessment of railroads, street railroad, car, telegraph, telephone, electric light, pipe line, power, canal, irrigating and express companies.

2571. **Id. Refusal to Furnish Statement.** If any person, corporation, or association engaged in mining, as mentioned herein, refuses or neglects to make and deliver to the State Board of Equalization the statement mentioned in this chapter, the State Board of Equalization must assess and list the property, and assess the Net Proceeds of Mines from the best information and knowledge it can obtain. Such person, corporation or association refusing upon demand to furnish such statement to the State Board of Equalization, shall be subject to a like penalty as is provided in subdivision two, section twenty-five hundred and twenty-one and in section twenty-five hundred and twenty-two, Compiled Laws of Utah, 1907, for failure to furnish statement to a County Assessor.

2572. **Id. Mining Improvements, Machinery, Etc. Not Exempt.** Nothing in this title contained shall be construed to exempt from taxation the improvements, buildings, erections, structures, or machinery placed upon any mine or mining claim, or used in connection therewith, which have a value separate and independent of such mine or mining claim, or supplies used either in mills, reduction works or mines, but such property must be assessed as provided by law.

2573. **Id. Collection. Lien.** The tax mentioned in the preceding

sections shall be collected and the payment thereof enforced in the manner provided for the collection and enforcement of other taxes; and every tax is a lien upon the mines or mining claims upon which such mining machinery and improvements are erected, and from which the ores or minerals are extracted, which lien attaches on the first day of January in each year, and the sale thereof for delinquent taxes may be made as provided for the sale of real estate for delinquent taxes.

2584. **Powers and Duties.** The powers and duties of the State Board of Equalization are as follows:

1. To prescribe rules for its own government and for the transaction of its business;
2. To prescribe such rules and regulations as the Board may deem necessary not in conflict with the constitution and laws of the State, to govern County Commissioners when equalizing and Assessors when assessing;
3. To make out and prepare and enforce the use of forms in relation to the assessment of property;
4. To hold regular meetings as provided by law, and the rules of the Board and such special meetings as may be called by the President or a majority of its members;
5. To annually assess the property, franchises, and roadway of all railroad, street railroad, car, telegraph, telephone, electric light, pipe line, power, canal, irrigating and express companies, operating in more than one County in the State, and all the machinery used in mining and all properties and surface improvements upon or appurtenant to mines and mining claims, which have a value separate and independent of all such mines or mining claims, and the net annual proceeds of all mines and mining claims;
6. To transmit on or before the 4th Monday in June, to the County Auditor of each County its apportionment of the assessment made by such Board upon the property and franchises of railroad, street railroad, car, telegraph, telephone, electric light, pipe line, power, canal, irrigating and express companies operating in more than one County of the State, and upon all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims, which have a value separate and independent of all such mines or mining claims, and to the State Auditor a copy of the apportionment of the assessment made by the Board upon the property of car companies;
7. To meet as heretofore provided in Section 2560, as follows:

(1) On the first Monday in March and continue in session not later than the first Monday in May, and later if the business of the Board requires it;

(2) On the third Monday in May, and continue in session not later than the third Monday in June;

(3) On the first Monday in July, and continue in session until the last Monday in July and later if the business of the Board requires it;

8. At its session commencing the first Monday in March, assess the property it is by law required to assess; at its session commencing the third Monday in May hear and pass upon applications for corrections of assessments made by it, and to apportion the same to the various counties of the State; at its session commencing the first Monday in July examine the report of County Auditors, and equalize the valuation of the taxable property of the several counties in this State for the purpose of taxation; and to that end, upon such notice to the County Auditor of the county affected thereby as it may prescribe, by rule, to increase or lower any assessment contained in the assessment books, so as to equalize the assessment of the property contained therein, and make assessment conform to the value in money of the property assessed;

9. To visit as a Board, or by the individual members thereof, whenever deemed necessary, the several counties of the State, for the purpose of inspecting the property and learning the value thereof;

10. To call before it, or any member thereof, on such visit, any officers of the County, and to require them to produce any public records in their custody;

11. To issue subpoenas for the attendance of witnesses or production of books before the Board, or any member thereof; which subpoenas must be signed by a member of the Board and may be served by any person;

12. To report biennially to the legislature a statement showing:

First. The assessed acreage of each county in the State;

Second. The amount assessed per acre;

Third. The aggregate value of town and city lots;

Fourth. The aggregate value of all real estate and mining claims stating each separately;

Fifth. The kinds of personal property in each county, and the value of each kind;

Sixth. The aggregate value of all personal property in the State;

Seventh. Any further information or suggestion relative to the assessment of property and the collection of revenues.

13. To keep a record of all its proceedings;

14. To appoint a clerk or clerks who must assist the Secretary of the Board and perform such other duties as the Board may require, and who shall hold his office during the pleasure of the Board and receive compensation at a rate not to exceed three dollars (\$3.00) per diem;

15. To reconvene, whenever it may deem necessary, any County Board of Equalization; and it may, in its discretion, extend the time for which any County Board of Equalization may sit for the equalization of taxes. The County Board of Equalization when thus reconvened, shall transact no business except that for which it was reconvened, or such other business as the State Board of Equalization may call to its attention while in session;

16. To call upon any railroad company for information as to the private car companies operating over its lines, and the number of cars hauled, and the mileage made by same.

2585. **State Board May Change Valuations.** When, after a general investigation by the Board, the property or any class of property in any county is found to be assessed above or below its full cash value, the Board may, without notice, so determine and must add or deduct from the valuation of all the property, or the following classes of property:

1. Real estate, described as town or city lots;
2. Real estate assessed as acreage;
3. Improvements on real estate;
4. Horses or mules;
5. Cattle;
6. Sheep;
7. Swine;
8. Bees;
9. Merchandise and trade fixtures;
10. Machinery, tools, implements and supplies;
11. Personal property not otherwise mentioned;

Such per cent respectively as is sufficient to raise, or reduce it to its full cash value. The intent of this section is for the purpose of equalizing, to divide the property assessed by the assessors into the eleven classes mentioned in this section, and to hereby authorize the State Board of Equalization to raise or lower, as may be necessary to bring it to its full cash value, any one, or all of the eleven mentioned classes of property.

**2588. Board to Determine Vote of State Tax.** Before the last Monday of July of each year, the Board must determine the rate of State tax to be levied and collected upon the assessed valuation of the property of the State, which, after allowing ten per cent for delinquencies in and costs of collection of taxes, must be sufficient to raise the specified amount of revenue required to be raised by the Legislature for State purposes. The Board must immediately thereafter transmit to the County Auditor of each county and to the State Auditor of such rate, and upon its receipt the County Auditor must, in writing, notify the State Board of Equalization of the receipt thereof.

**2589. Disobeying Subpoena or Rules of Board.** Every person served with a subpoena by the State Board of Equalization or by any member thereof, or by any person directed to serve said subpoena, who fails or neglects without just excuse to obey it, and every officer who refuses to obey the rules and regulations prescribed by the Board, or to perform the duties prescribed therein, shall forfeit to the State five hundred dollars to be recovered by an action in the name of the State, which action may be commenced and tried in any county in the State.

**2591. Member May Administer Oaths.** The president, secretary or any member of the State Board of Equalization may administer and certify oaths.

**2596. Effect of Tax and Lien.** Every tax upon personal property is a lien upon the real property of the owner thereof, from and after twelve o'clock M. of the first day in January of each year.

**2607. To Prepare Statement for State Board.** The County Auditor, on or before the first Monday of October of each year, shall prepare and mail to the State Board of Equalization a statement containing the information required in subdivision 12, of Section 2584, Compiled Laws of Utah, 1907.

Sec. 2. This Act shall take effect upon approval.

Approved March 11th, 1909.

## CHAPTER 64.

## CAPITOL COMMISSION.

An Act Creating a State Board to be known as the Capitol Commission; Fixing the Manner of Appointment and the Compensation of the Members Thereof; Prescribing their Powers and Duties and Authorizing the Erection of a State Capitol.

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

**SECTION 1. Capitol Commission Created. Term.** A board of commissioners is hereby created to be known as the Capitol Commission, which shall consist of seven members, the Governor, the Secretary of State, the Attorney General, and four members to be appointed by the Governor whose term of office shall be for four years, and until their successors are appointed and qualified; provided, however, that the first appointment of two of said members shall be for two years; provided further, that the Governor may fill all vacancies among the appointive members, or may remove for cause any such members of the commission; provided further, that not more than two of said appointive members shall belong to any one political party.

**Sec. 2. Officers. Quorum.** The officers of said commission shall be a president, a vice-president, a superintendent of buildings and grounds, and a secretary. The Governor shall be the president, the Secretary of State the vice-president, and the superintendent and secretary shall be elected by the commission from among the members thereof appointed by the Governor. Five members of said commission shall constitute a quorum for the transaction of business.

**Sec. 3. Compensation of Certain Members.** The Governor, Secretary of State and the Attorney General shall receive no compensation for their services upon said commission. The superintendent of buildings and grounds and the secretary shall receive such compensation as the State Board of Examiners shall from time to time fix, the same to be a reasonable compensation for the services actually rendered; provided, however, that the compensation of the superintendent of buildings and grounds shall in no event exceed the sum of two thousand four hundred dollars per annum, and that of the secretary the sum of eighteen hundred dollars per annum, each exclusive of reasonable necessary office, clerical and other expenses authorized by the commission. The two remaining members appointed by the Governor, shall each receive his actual necessary expenses in the performance of his official duties.

**Sec. 4. Plans and Specifications.** The said commission is hereby



authorized, empowered and directed to cause a suitable design, together with plans and specifications therefor, to be prepared for the erection of a State Capitol upon the Capitol grounds in Salt Lake City. Care shall be exercised by said commission to provide by such design for the distant future requirements of the State, and also to provide that parts of the complete design may be from time to time constructed as the necessities of the State may require, due regard being observed for the architectural appearance of the building at all times.

**Sec. 5. Cost of Building. Use of Public Buildings Land Fund Authorized.** The ultimate cost of said building shall not exceed the sum of two million five hundred thousand dollars, and for the purpose of procuring such design, plans and specifications, and for any other purpose connected with the construction of said building, or work upon said ground in connection therewith, the State Public Buildings Fund embracing all proceeds arising from the sales of land granted to the State for the purpose of erecting public buildings, under the provisions of Section 7, of the Act of Congress, approved July 16, 1894, known as the Enabling Act, or such portion thereof as may from time to time be necessary, is hereby appropriated for that purpose, to be expended under the direction of said commission, and the State Board of Land Commissioners is hereby directed to convert the securities of said funds into money under the direction of the Capitol Commission.

**Sec. 6. Erection of Capitol Building.** That upon the completion and approval by said commission of the design, plans and specifications for said State Capitol the said commission is hereby authorized and directed to proceed with the erection of such portion of the complete design of said building as shall be practicable and sufficient to accommodate the present and comparatively near future needs of the State, and for that purpose are hereby authorized to expend such sums of money as may be necessary from any funds provided by law for that purpose.

**Sec. 7. Compensation and Expenses. How Paid.** The compensation and expenses of the Capitol Commission shall be paid out of the funds appropriated for plans and other purposes in this Act and from any other funds provided by law for the erection of said capitol.

**Sec. 8. Bonds of Commissioners.** The members of said commission appointed by the Governor shall give bond to the State in the penal sum of five thousand dollars, conditioned for the faithful performance of their duties, to be approved by the State Board of Examiners, and filed with the Secretary of State; provided, however, that the State Board of Examiners may require the superintendent of buildings and grounds and the secretary to give bond in such greater sum as they may from time to time deem reasonable and proper.

**Sec. 9. Contracts and Claims to be Approved by State Board of Examiners.** All contracts entered into by the Capitol Commission shall be subject to the approval of the State Board of Examiners. All claims and expenses incurred by the commission shall be approved by the said Board of Examiners before payment is made.

**Sec. 10. Members of Commission Not to be Pecuniarily Interested in Contracts.** No member of the Commission shall be pecuniarily interested, directly or indirectly, in any contract, business or transaction entered into by or on behalf of the Commission.

**Sec. 11. Report.** It shall be the duty of the Capitol Commission to make a full report of its proceedings under the provisions of this Act, to the Legislature, during the first week of the next session thereof, and biennially thereafter.

**Sec. 12. Seal.** The Capitol Commission may have and use a common seal of such form and design as it may prescribe.

**Sec. 13. Repeal.** All acts and parts of acts in conflict with this Act are hereby repealed.

**Sec. 14.** This Act shall take effect upon approval.

Approved March 11th, 1909.

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## CHAPTER 65.

### PROVIDING FOR THE REFUNDING OF THE TERRITORIAL BOND ISSUE OF 1892.

An Act Providing for the Refunding of the Bonds of the Territory of Utah, of the Issue of July Second, Eighteen Hundred and Ninety-two, and the Disposal of the Funds Provided by Law for the Redemption Thereof.

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

**SECTION 1. Refunding Bond Issue of 1892 Authorized.** The State Board of Loan Commissioners is hereby directed under power and authority as provided in Section 1422, Compiled Laws of Utah, 1907, to refund the outstanding bonds of the Territory of Utah of the issue of 1892, at the maturity thereof, by issuing in lieu thereof negotiable coupon bonds similar in form to those provided for in the Act entitled, "An Act Creating a State Board of Loan Commissioners; Providing for the Is-

suing and Disposal of State Bonds and for the Refunding of the Bonds of the Territory or State Already Issued," approved April second, eighteen hundred and ninety-six, the number and denominations of said bonds to be determined by said Board.

Sec. 2. **Disposition of Redemption Fund.** Upon the issue of said bonds, and the refunding of said issue of said Territorial bonds, as herein provided, any and all moneys held in the redemption fund for the redemption of said Territorial Bonds shall be converted into the State Treasury and devoted exclusively to the erection of a State Capitol and expended for that purpose under the direction of the Capitol Commission.

Sec. 3. This Act shall take effect upon approval.

Approved March 11th, 1909.

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## CHAPTER 66.

### ELECTION FOR THE PURPOSE OF SUBMITTING TO ELECTORS PROPOSITION TO LEVY ONE MILL TAX FOR CAPITOL BUILDING PURPOSES.

An Act Providing for an Election Submitting to the Qualified Electors of the State a Proposition to Levy a One Mill Tax in Excess of the Rate of Taxation Otherwise Fixed or Limited for all Other Purposes for Fifteen Years, to Raise Funds to Construct and Furnish a State Capitol for the State of Utah.

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

SECTION 1. **Election to be Held. Purpose.** That on the Tuesday following the first Monday in June, one thousand nine hundred and nine, there shall be held throughout the State an election to determine the question of whether or not a one mill tax shall be levied upon all taxable property within this State, said one mill to be a rate in excess of the rate of taxation otherwise fixed or limited for all other purposes, said levy to continue during a period of fifteen successive years, and the purpose thereof to be to raise funds with which to construct and furnish a State Capitol for the State of Utah, to be located on the capitol grounds, Salt Lake City.

Sec. 2. **Id. Question to be Submitted. Ballots.** There shall be submitted at such election a proposition to increase the rate of taxation,

the increased rate proposed being one mill on each dollar of valuation, and the time during which the same shall be levied shall be fifteen successive years from and including the first year in which such levy is made. Such qualified voters of the State as, in the year next preceding such election, shall have paid a property tax assessed to them within the State, shall be entitled to vote at such election.

The question submitted to such voters at said election shall be, "Shall the tax rate in the State of Utah be increased one mill on each dollar of valuation on all taxable property within the State, over and above the rate fixed or limited for all other purposes, for a period of fifteen years from and including the year 1909, the said one mill on each dollar being for the purpose of constructing and furnishing a State Capitol?"

All ballots deposited in favor of such proposition shall have thereon the words thereof as given above, and also the word "YES"; and those opposed thereto shall have thereon the words of the proposition and also the word "NO." If a majority of the votes cast at such election throughout the State shall be in favor of the proposition, then the various officers throughout the State who are charged with the assessment and collection of taxes shall proceed to levy and collect such tax the same as other State taxes are collected; and the various officers charged with the collection of State taxes shall transmit the funds so collected to the State Treasurer in the same manner and at the same times as other State taxes are transmitted, to be immediately deposited by the State Treasurer to the credit of a fund to be known as the State Capitol Fund, which fund shall be under the control and disposition of the Capitol Commission, as provided by law.

**Sec. 3. Notice of Election. Polling Places. Judges. Notice of Election.** Notice of the election herein provided for shall be given at least twenty days prior to the date of election by publishing a notice, signed by the Governor and Secretary of State, in two or more newspapers having general circulation throughout the State, in counties of the first class; one or more in counties of the second class, and in one of each other county where a newspaper is published, for not less than ten days; Provided, that nothing in this Section shall be so construed to compel the publication of said notice in any county where reasonable terms cannot be secured therefor. Said notice shall specify the date and purpose of said election. The Board of County Commissioners of each county in the State shall designate polling places in their respective counties, and may combine at one polling place two or more election districts in the county, as may be deemed advisable; said Board of County Commissioners shall appoint three electors for each polling place to conduct the election thereat, who will take and subscribe an oath of

office, and who shall make returns to the Board as herein provided; the Board of County Commissioners shall then cause to be issued, signed by the County Clerk, and posted at each of said polling places at least ten days prior to the election, notices of said election, which notice shall specify:

1. The time and place of holding such election;
2. The names of the judges of election to conduct such election at such polling place;
3. The hours during which the polls shall remain open;
4. The purpose for which the election is called.

Vacancies in the office of said judge of election shall be filled by the Board of County Commissioners; provided, that in case any judge of election shall fail on the morning of election to appear or from any cause shall fail or refuse to act, the qualified electors present at the polling place at the hour designated for the opening of the polls, provided such electors be not less than six in number, shall immediately fill the vacancy, by appointing another person qualified to act. Judges of election shall designate which of their number shall preside and which shall act as clerk. Challenges for cause by any qualified voter shall be allowed at such election, and shall be promptly decided by the judges conducting the same. Any member of any Board of County Commissioners who shall neglect or refuse to comply with the provisions of this Section shall be guilty of a misdemeanor. Judges of election shall receive such compensation, not to exceed \$3.00 per day, as may be fixed by the Board of County Commissioners. Except as otherwise provided in this Act, the provisions of law relating to general elections shall, so far as consistent with the terms of this Act, be applicable to the election herein provided for.

**Sec. 4. Ballot Boxes or Voting Machines. Ballots, by Whom Furnished.** Ballot boxes or voting machines for use at the various polling places in each County shall be furnished by the Board of County Commissioners of such county; and the ballot used at such election shall be furnished by the Secretary of State, or by the County Clerk at the direction of the Secretary of State, and shall express upon its face the proposition submitted to the electors.

**Sec. 5. Canvass of Ballots. Returns.** Immediately after the closing of the polls, the persons appointed to conduct the election shall proceed to count and canvass the ballots cast at such election and make

returns thereof to the Board of County Commissioners; a copy of the result of such count and canvass, signed by the three judges of election, shall be retained by the presiding judge of election, to be open to the inspection of electors and to be delivered to the County Clerk upon demand therefor made within thirty days, provided that if no such demand be made, then the said copy may be destroyed at the expiration of said thirty days. As soon as the votes are counted, the judges shall certify to the result of the canvass, and shall transmit said certificate, with the tally sheet, and the ballots carefully sealed in a strong envelope to the County Clerk, by one of their number, to be determined by lot unless otherwise agreed upon. The judge to whom said packages are delivered must, within twenty-four hours, deliver them without their having been opened to the County Clerk; provided, that where the polling place is more than fifteen miles from the County seat, the election returns may in the discretion of the judges of election, be sent to the County Clerk, within twenty-four hours, by registered mail from the post office most convenient to said voting place. At 12 o'clock noon on Monday following the election, the Board of County Commissioners, acting as ex-officio a board of canvassers for the county, must meet at the usual place of meeting of the Board of County Commissioners, and canvass said returns in the manner provided for in general elections; the County Clerk, as soon as the statement of the vote in his County is made out and entered upon the record of the Board of County Canvassers, must make a certified abstract thereof, seal up such abstract, endorse it "Election Returns," and transmit it without delay to the Secretary of State, by registered mail. On the second Monday after the election, the Board of State Canvassers must meet in the office of the Secretary of State, canvass said returns and make and declare the result of such canvass, which statement and declaration shall be filed in his office by the Secretary of State, as secretary of said Board of State canvassers.

**Sec. 6. If Proposition is Carried Result to be Published, Etc. Duty of County Officers.** If it shall be shown as the result of such canvass that the proposition has received a majority of the votes cast at the election, then the Secretary of State shall announce that fact by publication in a newspaper having general circulation in the State for not less than five days, and by notice, sent by registered mail, to the Board of County Commissioners of each County; and upon announcement and notice being given, the officers charged with the assessment and collection of taxes in each county are hereby authorized and required to extend upon their assessment rolls and to make collection, in the same manner as other State taxes, of one mill upon each dollar of valuation of taxable property in such county, commencing with the year 1909, and continuing to make assessment and collection of such one mill tax for

the period of fifteen consecutive years, or up to and including the year 1923, the same as in the case of other State taxes.

**Sec. 7. Election Expenses, How Paid. Appropriation. Disposition of Funds Arising From Tax.** The Board of County Commissioners in each of the various Counties, shall pay the necessary expenses incurred in this election, in the same manner as in general elections; and not later than the 30th day of September, 1909, shall render to the State Board of Examiners an itemized voucher of said expenses, signed and verified by the County Clerk, which voucher shall be a claim against the State to be paid as are other claims against the State; and for the purpose of paying the expenses of said election, the sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated. If the proposition to levy the tax herein proposed shall be carried, then the expense to the State of such election shall be chargeable to the State Capitol Fund; provided also, that if the said proposition be carried, then the interest provided for in Section 3, and the redemption fund provided for in Section 4 of an Act providing for the issue and disposal of State bonds and the appropriation of the proceeds of the sale thereof for the purpose of the erection of a State Capitol, shall be paid from the State Capitol Fund.

**Sec. 8.** This Act shall take effect upon approval.

Approved March 11th, 1909.

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## CHAPTER 67.

### PROVIDING FOR ISSUE AND DISPOSAL OF STATE BONDS.

**An Act Providing for the Issue and Disposal of State Bonds and the Appropriation of the Proceeds of the Sale Thereof for the Purpose of the Erection of a State Capitol.**

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

**SECTION 1. Bond Issue Authorized.** The State Board of Loan Commissioners are hereby authorized to provide for and negotiate a loan for the State in a sum not exceeding two hundred thousand dollars, by issuing negotiable coupon bonds of this State therefor, under rules and regulations not in conflict herewith to be prescribed by said Board; said bonds shall bear interest at a rate to be fixed by said Board, not exceeding five per cent per annum, interest payable semi-annually; said

bonds shall be signed by the Governor and Secretary of State, have the Great Seal of the State affixed, and shall be countersigned by the State Treasurer and registered by the State Auditor, in a book to be kept by him for that purpose. Said bonds shall run not longer than twenty years and the faith and credit of the State is hereby pledged for their payment and for the payment of the interest accruing thereon.

**Sec. 2. Engraved Bonds to be Provided. Expense. Appropriation. Additional Bond to be Given by State Treasurer.** The State Board of Loan Commissioners is hereby authorized to provide the necessary engraved bonds to carry out the provisions of this Act, and the expense thereof and all other necessary incidental expenses incurred by said Board in the preparation and negotiation of said bonds, shall be paid out of the general fund of the State, upon the approval of the State Board of Examiners, and a sum of money sufficient to cover said costs and expenses is hereby appropriated out of said general fund. Before the issuance of said bonds the State Treasurer shall give to the State of Utah an additional official bond, with sureties as provided by law, in the sum of one hundred thousand dollars, which bond shall be approved by the State Board of Examiners and deposited and filed with the Secretary of State, and the said Treasurer shall stand charged upon said bond and upon his official bond for the faithful performance of the duties required of him under the provisions of this Act, or that may be prescribed by said State Board of Loan Commissioners.

**Sec. 3. Interest. How Paid.** The State Auditor shall draw his warrant on the State Treasurer for the amount of interest which shall fall due on the first day of January and July of each year, which said interest warrant shall be drawn at least ten days previous to the maturing of the interest, and such sum as may be necessary is hereby appropriated and set aside from the general fund of the State, or from such other fund as may be provided by law for such purpose, from year to year to pay the interest upon said bonds.

**Sec. 4. Redemption Fund.** At the expiration of ten years after the issuing of said bonds, there shall be set apart and is hereby appropriated out of the general fund in the hands of the State Treasurer, or from such other funds as may be provided by law for that purpose, annually, the sum of twenty thousand dollars to be drawn on the warrant of the State Auditor to pay the principal of said bonds as the same fall due. Said amount shall be held and placed by the Treasurer in a fund to be known as the redemption fund for the redemption of said bonds.

**Sec. 5. Report.** It shall be the duty of the State Board of Loan



Commissioners to make a full report of their proceedings under the provisions of this Act, to the Legislature, during the first week of the next session thereof and biennially thereafter.

**Sec. 6. Bonds Not Taxable. Proceeds to be Used for Erection of State Capitol.** The bonds issued under the provisions of this Act shall not be taxed for any purpose within this State and the proceeds of the sale thereof shall be converted into the State Treasury and the same shall be appropriated and used exclusively for the erection of a State Capitol and expended for that purpose under the direction of the Capitol Commission.

**Sec. 7.** This Act shall take effect upon approval.

Approved March 11th, 1909.

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## CHAPTER 68.

### PROTECTION OF PERSONS FURNISHING LABOR AND MATERIAL FOR PUBLIC BUILDINGS AND PUBLIC WORKS.

An Act for the Protection of Persons Furnishing Labor and Material for the Construction or Repair of Public Buildings and Public Works.

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

**SECTION 1.** Any person or persons entering into a formal contract with the State, any State institution, county, city, town, village or school district, for the construction of any public building, or the prosecution and completion of any public work or improvements, or for repairs upon any public building, public work or improvement, shall be required before commencing such work to execute a penal bond, with good and sufficient surety or sureties, for the faithful performance of said contract, with the additional obligation that such contractor or contractors shall promptly make payment to all persons supplying labor and material used in the prosecution of the work provided for in such contract; and any person, company, association or corporation who has furnished labor or material used in the construction or repair of any public building, public work or improvement, payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the obligee on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon subject, however, to the priority of the

claim and judgment of the obligee therein. If the full amount of the liability of the surety on said bonds is sufficient to pay the full amount of said claims and demands, then after paying the full amount due the obligee, the remainder shall be distributed pro rata among said intervenors. If no suit should be brought by the obligee within six months from the completion and final settlement of said contract, then the person or persons supplying labor and materials shall upon application therefor and furnishing an affidavit to the obligee that labor or materials for the prosecution of the work has been supplied by him or them, and payment of which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be and are hereby authorized to bring suit in the name of the obligee in any court having jurisdiction in the county in which said contract was to be performed and executed, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution; provided, that where suit is instituted by any of such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of said contract and final settlement thereof, but shall be commenced within one year after the performance and final settlement of said contract, and not later; and, provided further, that where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within the time hereinafter provided, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court for distribution among said claimants and creditors the full amount of the surety's liability, to-wit: the penalty named in the bond, less any amount which the said surety may have had to pay to the obligee by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability; provided, however, that in all suits instituted under the provisions of this Act, such personal notice of the pendency of such suits, informing them of their right to intervene, as the court may order, shall be given to all known creditors, and in addition thereto, notice of publication in some newspaper of general circulation published in the county where the contract is being performed for at least three successive weeks, the last publication to be at least two months before the time limited therefor; and all claimants and creditors who do not intervene within the time herein provided shall be forever barred from recovery upon said bond.

Sec. 2. In any suit or action brought upon the bond provided for in Section 1 of this Act the prevailing party upon each separate cause

of action shall recover a reasonable attorney's fee, not exceeding the sum of fifty dollars, to be taxed as costs.

Approved March 11th, 1909.

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## CHAPTER 69.

APPROVING, LEGALIZING AND ADOPTING THE COMPILED LAWS OF UTAH, 1907.

An Act Approving, Legalizing and Adopting the Compiled Laws of Utah, 1907.

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

**SECTION 1. . . Compiled Laws, 1907, Approved, Legalized and Adopted.** That the Compiled Laws of Utah, 1907, as compiled and printed, under the authority of Chapter 3, Laws of Utah, 1907, by the Commissioners to compile and annotate the laws of this State, are hereby approved, legalized and adopted.

**Sec. 2.** This Act shall take effect upon approval.  
Approved March 11th, 1909.

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## CHAPTER 70.

### GARNISHMENTS.

An Act to Amend Sections 3091 and 3112, Compiled Laws of Utah, 1907, Relating to Garnishments.

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

**SECTION 1. Sections Amended.** That Sections 3091 and 3112, Compiled Laws of Utah, 1907, be, and the same are hereby amended to read as follows:

**3091. When Garnishee Ordered to Appear.** Whenever, in any action pending in any court in the State, a writ of attachment has been issued and delivered to the proper officer, and the officer after diligent search shall not be able to find property of the defendant sufficient to satisfy the claim of plaintiff, the officer shall, upon the request of the plaintiff, his agent, or attorney, summon such person or persons as the

plaintiff may direct, as garnishees to appear before the court wherein such action is pending.

**3112. Garnishment After Judgment. Procedure. Liberal Construction.** Any person having a judgment remaining unsatisfied in any court in the State, upon which execution has been issued and delivered, and which remains in the hands of the proper officer uncollected and unsatisfied, may have a writ of garnishment issued, and thereupon attach the credits, effects, debts, choses in action, and other personal property of the judgment debtor in the possession or under the control of any third person as garnishee, for the security of such judgment, and all the rights, remedies, and proceedings under this chapter are hereby made specially available and applicable for the relief and security of such judgment creditor, the same as for a plaintiff in attachment, and the same are also made specially available and applicable for the protection and security of the judgment debtor and the garnishee, the same as for the defendant and garnishee in attachment; and the forms of all affidavits, interrogatories, writs, answers, oaths, orders, trials, judgments, and other process and proceedings hereinbefore provided for cases of garnishment before judgment, with appropriate variations, shall apply to cases of garnishment after judgment; and all courts shall be liberal in allowing amendments, and in construing this chapter so as to promote the objects thereof.

Approved March 11th, 1909.

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## CHAPTER 71.

### HIGH SCHOOLS.

An Act Amending Sections 1830 and 1832; Compiled Laws of Utah, 1907, Relating to High Schools.

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

**SECTION 1. Sections Amended.** That Sections 1830 and 1832, Compiled Laws of Utah, 1907, be, and the same are hereby amended to read as follows:

**1830. High Schools May be Established.** The trustees or school board of any school district having a population of over five hundred, when authorized by a majority vote of the property tax payers resident in the district present at an annual or at a special meeting called for

the purpose, may establish and maintain one or more high schools, in which pupils may be instructed in higher branches of education than those usually taught in the district schools, and pupils over eighteen years of age may be admitted to and instructed in such schools on such terms as to tuition and otherwise as the trustees or school board may prescribe.

The County or District Superintendent of Schools, the Trustees and the Principals of each respective High School in the State shall prescribe the text books to be used in such respective high school, outside of cities of the first and second class.

**1832. Organization and Term of High School. Board. Vacancy.** The Trustees so elected and the County Superintendent of Schools shall constitute the board of trustees of such high school district, and the County Superintendent shall be ex-officio president of the Board. The trustees elected as hereinbefore provided shall serve until the next school election within their districts, at which time their successors shall be elected for the term of two years and until their successors are elected and qualified. A vacancy in the board shall be immediately filled by the remaining trustees by the appointment of some qualified elector of the district in which the vacancy occurred, and such appointee shall serve until the next school election and until his successor is elected and qualified.

Approved March 11th, 1909.

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## CHAPTER 72.

RELATING TO CERTAIN AGREEMENTS DECLARED TO BE VOID UNLESS IN WRITING.

An Act to Amend Section 2467, Compiled Laws of Utah, 1907, Relating to Certain Agreements Declared to be Void Unless in Writing.

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

SECTION 1. **Section Amended.** That Section 2467, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

2467. **Certain Agreements Void Unless in Writing.** In the following cases every agreement shall be void, unless such agreement or

some note or memorandum thereof be in writing and subscribed by the party to be charged therewith:

1. Every agreement that by its terms is not to be performed within one year from the making thereof;
2. Every promise to answer for the debt, default, or miscarriage of another;
3. Every agreement, promise, or undertaking, made upon consideration of marriage, except mutual promises to marry;
4. Every special promise made by an executor or administrator to answer damages or to pay the debts of the testator or intestate out of his own estate;
5. Every agreement authorizing or employing an agent or broker to purchase or sell real estate for compensation or a commission.

Approved March 11th, 1909.

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## CHAPTER 73.

### MILITIA.

An Act Providing for the Enrollment and Organization of the Militia of the State, Providing for the Staff of the Commander-in-Chief, and the Organization, Equipment, Discipline, Duties, Pay and Government of the National Guard of Utah, and Providing Penalties for Unlawful Interference with the Members Thereof While on Duty; and Providing for Military Courts and the Jurisdiction Thereof, and for the Care and Custody of Government and State Military Property; and Providing Penalties for the Unlawful Use and Disposition of the same; and Repealing Sections 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1494x3, 1494x4, and 1494x5, Compiled Laws of Utah, 1907.

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

**SECTION 1. Persons Subject to Military Duty. Persons Exempt.** That able-bodied male citizens, and all able-bodied males of foreign birth who have declared their intention to become citizens, between the ages of

eighteen and forty-five years, who are residents of this State, shall constitute the militia, subject to the following exemptions:

1. Persons exempted by the laws of the United States.
2. Persons exempted by the laws of this State.
3. All persons who have been honorably discharged from the army, navy or volunteer forces of the United States.
4. The members of any regularly organized fire or police department in any city or town, but no member of the active militia shall be relieved from duty therein because of his joining any volunteer fire company or department.
5. All persons who have served five years in the active militia of this State, and have received an honorable discharge.
6. Judges and clerks of courts of records; state and county officers holding office by election; ministers of the gospel; practicing physicians; superintendents, officers and assistants of hospitals, prisons and jails; conductors, engineers and firemen of railways, actually employed as such.
7. Idiots, lunatics and persons convicted of infamous crimes.

All such exempted persons, except those enumerated in subdivisions one and seven shall be liable to military duty in case of war, insurrection, invasion or imminent danger thereof.

**Sec. 2. Assessors to Make Lists.** County assessors shall biennially, commencing with the year 1910, make a list of all persons liable to enrollment living within their respective counties, and shall biennially in September file a certified copy of such list with the county clerk of their respective counties and transmit a duplicate thereof to the Adjutant General.

**Sec. 3. Active and Inactive Militia.** The militia of the State shall be divided into two parts, the active and the reserve militia. The active militia shall consist of the organized and uniformed military forces known as the national guard. The reserve militia shall consist of all those liable to service in the militia, but not serving in the national guard.

**Sec. 4. Commander-in-Chief.** The Governor of the State, by virtue of his office, shall be commander-in-chief of the militia of the State, except of such portions as may be at times in the service of the United States.

**Sec. 5. Staff of Commander-in-Chief.** The staff of the commander-in-chief shall consist of an adjutant general, with the rank of brigadier general; an inspector general, a quartermaster general, a commissary general, a surgeon general, a judge advocate general, an inspector general of target practice, an assistant adjutant general, each with the rank of colonel, and two aides-de-camp, each with the rank of lieutenant colonel. The Governor shall, by and with the consent of the Senate, appoint any or all of the officers provided for in this Section, who shall hold their offices during the incumbency of the Governor appointing them, unless sooner removed by him, provided that the adjutant general and the assistant adjutant general shall hold their offices until their successors are duly appointed and qualified. After the first appointments are duly made and confirmed by the Senate as aforesaid, the Governor shall fill all vacancies that may occur in any of said offices, at a time when the Senate is not in session, by temporary appointment, and until the next meeting of the Legislature. A permanent removal from the State of any such officer shall be deemed the resignation of his office.

**Sec. 6. Governor May Order Militia Into Active Service. When.** The Governor shall have power, in case of insurrection, invasion, tumult, riot or breach of the peace, or imminent danger thereof, to order into the active service of the State any part of the militia that he may deem proper. When the militia of this State or a part thereof is called forth under the constitution and laws of the United States, the Governor shall order out for service the active militia, or such part thereof as may be necessary, and if the number of active militia available be insufficient he shall order out such portion of the reserve militia as may be required. During the absence of organizations in the service of the United States their designations shall not be given to new organizations.

**Sec. 7. Calling Out Reserve Militia.** Whenever it shall be necessary to call out any portion of the reserve militia for active duty, the Governor shall direct his order to the Board of Commissioners of any county, who, upon receipt of the same, shall forthwith proceed to draft as many of the reserve militia in each county, or accept as many volunteers as are required by the Governor, and shall forthwith forward to the Governor a list of the persons so drafted or accepted as volunteers.

**Sec. 8. Failure to Appear When Called Out. Penalty.** Every member of the militia ordered out, or who volunteers or is drafted under the provisions of this article, who does not appear at the time and place designated by his commanding officer, or the county commissioners, within twenty-four hours from such time, or who does not produce a sworn certificate of physical disability to so appear from a physician in



good standing, shall be taken to be a deserter and dealt with as prescribed in the Articles of War of the United States.

**Sec. 9. Mustering of Reserve Militia.** The portion of the reserve militia so accepted shall be immediately mustered into the service of the State for two years, or such less period as the Governor may direct, and shall be organized into troops, batteries or companies, which may be arranged in squadrons, battalions or regiments, or assigned to organizations of the active militia already existing. The Governor is authorized to appoint the officers necessary to commence or complete any organization thus created. Such new organizations shall be equipped, disciplined and governed according to the military laws and regulations of the State.

**Sec. 10. Governor May Declare a State of Insurrection.** When. Whenever a portion of the militia is employed in aid of the civil authority, the Governor, if in his judgment the maintenance of law and order will thereby be promoted, may by proclamation declare a county, city or town, or any specified portion thereof, in which the troops are serving, to be in a state of insurrection.

**Sec. 11. In Times of War, Etc., Articles and Regulations Governing Army of the United States to be in Force.** Whenever a portion of the militia shall be on duty under or pursuant to the orders of the Governor, or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to process of this State, or imminent danger thereof, or for any other cause, the articles of war governing the army of the United States and the regulations prescribed for the army of the United States so far as such regulations are consistent with this Act and the regulations issued thereunder shall be in force and regarded as a part of this Act until such forces shall duly be relieved from such duty.

As to offenses committed when such articles of war are so in force, courts-martial shall possess in addition to the jurisdiction and power of sentence and punishment herein vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such articles of war or the regulations or laws governing the United States Army or the customs and usages thereof, but no punishment under such rules and articles which extend to the taking of life, shall in any case be inflicted except in time of actual war, invasion or insurrection, declared by proclamation of the Governor to exist, and then only after the approval by the Governor of the sentence inflicting such punishment. Imprisonment other than in guard houses shall be executed in jails or prisons designated by the Governor for the purpose.

**Sec. 12. Actions Against Members of the Militia.** Members of the militia ordered into active service of the State by any proper authority shall not be liable civilly or criminally for any act or acts done by them in line of duty.

When an action or proceeding of any nature shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this Act, or an alleged omission by him to do an act which it was his duty to perform, or against any person acting under the authority or order of any such officer or by virtue of any warrant issued by him pursuant to law, the defendant may require the person instituting or prosecuting the action or proceeding to file security for the payment of costs that may be awarded to the defendant therein, and if such bond be not filed within five days after demand therefor, such action shall be dismissed. A defendant in whose favor a final judgment is rendered in an action or a final order made in a special proceeding, shall recover treble costs.

**Sec. 13. Adjutant General. Duties. Seal. Bond.** The Adjutant General shall be in control of the military department of the State, and subordinate only to the Governor in matters pertaining to said department. He will perform such duties as pertain to the Adjutant General and the other chiefs of staff departments, under the regulations and customs of the United States Army. He shall issue and transmit all orders of the Commander-in-Chief relating to the militia or military organizations of the State. He shall superintend the preparation of all returns and reports required by the United States from the State. He shall keep a register of the officers and men composing the active militia and a record of all general and special orders and regulations, and of all matters pertaining to the militia of the State. He shall, when necessary, at the expense of the State, cause the military law and regulations of the State to be printed, indexed and bound in proper and compact form and distribute the same to the commissioned officers of the militia and to such other officers and persons as he may deem advisable. He shall cause to be prepared and issued all necessary blank books, blanks, forms and notices as may be necessary to carry into full effect the provisions of this Act, and shall also purchase and cause to be issued such military publications as are necessary for the proper instruction of the active militia and all such books and blanks shall be and remain the property of the State. He shall attend to the safe keeping and repairing of the ordnance, arms, accoutrements, equipment and all other military property belonging to the State or issued to it by the United States. All military property of the State which, after proper inspection, shall be found unsuitable for use shall, under the direction of the Governor, be disposed of by the Ad-

jutant General at public or private sale, as he may deem advisable, provided that where said property shall be deemed by the inspecting officer to exceed fifty dollars in value, such sale shall be made after ten days' notice in a newspaper published in the county where such sale is to be made, and if such unserviceable property shall be found by the inspector to be of no actual value, the same shall be destroyed under the direction of the Adjutant General. He shall from time to time render a true account of the sales made by him to the Governor and under the direction of the Governor expend the proceeds of the same for other military property.

He shall, under the direction of the State Armory Board, have charge and supervision of all armories within the State.

He shall, in time of peace, receive and direct the issue of all ordnance, ordnance stores, camp and garrison equipage and quartermaster's supplies and shall direct the purchase of all military property purchased by the State.

He shall keep a just and true account of all such disbursements on account of the militia. He shall, also, on or before the first day of January next preceding each regular session of the legislature, make a full and detailed report to the Governor of all the transactions of his office with the expense of the same for the preceding two years, and shall report at such other times and on such other matters as the governor shall require. He may appoint, with the approval of the Commander-in-chief, a Quartermaster Sergeant, for permanent duty at the armory in Salt Lake City, at a salary of not to exceed sixty dollars per month, and may appoint a clerk at a compensation not to exceed sixty dollars per month.

The Adjutant General shall have charge of and shall carefully preserve the colors, flags, guidons and military trophies of war belonging to the State and shall not allow the same to be loaned out or removed from their proper places of deposit, and shall also be the custodian of and preserve all military documents and records of every nature which may be placed in his charge, relating to the Indian wars within the State or wars in which the United States have participated.

He shall give bond to the State in the penal sum of ten thousand dollars, with at least two sureties, to be approved by the Governor.

The seal of the Adjutant General's office shall be circular in form, a circle within a circle; within the inner circle shall be a shield with "Utah" impressed thereon, and between the circles shall be impressed "National Guard, Adjutant General."

**Sec. 14. Assistant Adjutant General. Duties. Bond.** The assistant Adjutant General, under the direction of the Adjutant General, shall

have charge of all quartermaster, ordnance and commissary supplies and shall perform such other duties in connection with the National Guard and the Adjutant General's office as the Adjutant General may from time to time direct. He shall give a bond to the State in the penal sum of five thousand dollars, to be approved by the Governor.

**Sec. 15. Departments of the National Guard. Aggregate Enlisted Force.** The National Guard of the State shall consist of an Adjutant General's department, an Inspector General's department, a Judge-Advocate General's department, a medical department, an ordnance department, a Quartermaster's department, a subsistence department, a pay department, a signal corps, the commissioned officers and enlisted men heretofore or hereafter retired, the organizations forming the National Guard at this date, such others as may be organized hereafter, and such persons as are enlisted and commissioned therein. The Governor shall have power to alter, divide, annex, consolidate, disband, or reorganize any organization and to create new organizations whenever the efficiency of the State forces will, in his judgment, be thereby increased, and he shall have power to change the organization of any organization so as to conform to any organization, system of drill, or instruction, now or to which may hereafter be adopted by the army of the United States or prescribed by the laws of the United States for the government of the militia, and for that purpose the number of officers and non-commissioned officers of any grade, in any organization, may be increased or diminished, and the grade of such officers and non-commissioned officers may be altered to the extent necessary to secure such conformity. The Governor shall have power to fix and from time to time to alter the number of enlisted men which shall constitute the enlisted strength of any organization. The aggregate enlisted force of the National Guard in time of peace, fully armed, uniformed and equipped, shall not be less than three nor over twelve hundred enlisted men, but the Governor shall have power, in case of war, insurrection, invasion or imminent danger thereof, to increase the forces beyond said twelve hundred and organize the same as the exigences of the service may require.

**Sec. 16. Staff Departments.** There shall be the following staff departments: An adjutant general's department, to consist of an adjutant general with the rank of lieutenant colonel; an inspector general's department, to consist of one inspector general with the rank of lieutenant colonel; one inspector general with the rank of major; a judge advocate general's department, to consist of a judge-advocate with the rank of lieutenant colonel; a quartermaster's department, to consist of one deputy quartermaster general with the rank of lieutenant colonel; a subsistence department, to consist of one deputy commissary general with the rank of lieutenant colonel; a medical department, to consist of a

medical corps and a hospital corps; the medical corps to consist of one lieutenant colonel, one major and one captain; a pay department, to consist of one deputy paymaster general with the rank of lieutenant colonel; and an ordnance department, to consist of one lieutenant colonel, who shall act as chief of the ordnance department. Unless otherwise ordered by the Commander-in-chief, the duties of the officers of the Adjutant General's department, the Quartermaster's department, the Subsistence department, the pay department and the ordnance department shall be performed by the Adjutant General of the State, or the Assistant Adjutant General of the State under his direction.

If a commissioned officer of the guard be appointed assistant adjutant general of the State, or as an officer of a staff department, such appointment shall not of itself relieve him from the duties of the office so held by him, nor shall it add to his rank, but he shall perform the duties of both of such offices.

**Sec. 17. Strength of National Guard.** Until otherwise fixed by law or order of the Governor, the organizations and strength of the respective organizations of the National Guard shall be as follows:

1. The hospital corps to consist of one sergeant, first class; four sergeants; five corporals and twenty-four privates, first class and privates. For the purpose of instruction and discipline the hospital corps shall be commanded by the junior medical officer.

2. For the purpose of administration the signal corps shall be organized as companies, the officers of which shall be one captain and two first lieutenants; the enlisted strength will consist of one master signal electrician, five sergeants, first class; five sergeants; ten corporals; two cooks; eighteen privates, first class, and eighteen privates.

3. A regiment of infantry will consist of one colonel, one lieutenant colonel, one adjutant (captain), one quartermaster (captain), one commissary (captain), one chaplain (captain), one sergeant major, one quartermaster sergeant, one commissary sergeant, two color sergeants, one band, and three battalions. The enlisted strength will be 816.

A battalion of infantry shall consist of one major, one adjutant (first lieutenant), one quartermaster and commissary (second lieutenant), one sergeant major and four companies. The enlisted strength will be 261.

A company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two cooks, one artificer, two musicians, forty-eight privates. The enlisted strength will be 65.

An infantry band shall consist of one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook, twelve privates.

4. A battery of field artillery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster sergeant, one stable sergeant, six sergeants, twelve corporals, three cooks, one chief mechanic, four mechanics, two musicians, one hundred and two privates.

**Sec. 18. Employment of Cooks.** The Governor may authorize the employment of cooks to the number fixed in this Act in organizations in which there are vacancies in enlisted cooks, when such organizations are on duty under his orders, or are called upon in aid of the civil authorities. He may authorize the employment and prescribe the number of cooks for all headquarters and organizations for which the enlistment of cooks is not authorized by the provisions of this Act. Cooks during such employment shall be subject to the laws and regulations for the government of the National Guard and shall receive as compensation not to exceed \$3.00 per day.

**Sec. 19. Appointment and Election of Officers.** Officers of staff departments and all officers not hereinafter mentioned shall be appointed by the Governor by order upon the recommendation of the commanding officer of infantry; the colonel, lieutenant colonel and chaplain of infantry shall be elected by the ballots of the commissioned officers of the regiment; the major of each battalion of infantry by the ballots of the commissioned officers of such battalion; the adjutant and quartermaster and commissary of each battalion shall be appointed by the Governor, by order, upon the recommendation of its major, concurred in by the commanding officer of the regiment. Commanding officers of all organizations except the hospital corps shall be elected by the officers and enlisted men of their respective organizations. The lieutenants of all organizations shall be appointed by the Governor, by order, upon the recommendation of the commanding officer of the respective organizations, concurred in by the commanding officer of infantry. In all elections the majority vote of the whole number of officers or of officers and enlisted men entitled to vote shall be necessary to a choice and to constitute an election. No person shall be appointed as an officer of the medical department unless he be qualified to practice medicine under the laws of the State, and who shall be in the actual practice of such profession at the time of his appointment, and no person shall be appointed judge-advocate general unless he be a member of the bar of the supreme court of the State, and engaged in the active practice of law at the time of his appointment.

**Sec. 20. Commissions.** All commissions shall be issued under the seal of the Adjutant General's office, signed by the Governor and countersigned by the Adjutant General. An officer duly elected or appointed to any office shall, within ten days after notification of such election or appointment by the Adjutant General, take and subscribe the required oath, which shall be transmitted to the Adjutant General's office to be filed therein, and such oath shall be equivalent to the oath of enlistment. Such oaths may be taken before any officer of the National Guard who has himself taken and subscribed to the same. The election or appointment of an officer to a higher grade, if such election or appointment be accepted in writing by him and filed with the Adjutant General, shall, except as in this Act otherwise provided, be deemed a resignation by him of the office theretofore held. No officer shall be commissioned without a certificate of an examining board as to his fitness and qualifications for such commission after a full and fair examination by a board appointed by the Commander-in-chief for that purpose; provided, however, that all officers shall have at least three months from the date of their election or appointment in which to prepare for examination, and pending such examination they shall perform the duties of the office to which they have been elected or appointed, and shall be entitled to the same rights, privileges and pay and shall be obeyed and respected the same as though their commission had issued. All officers failing to appear for examination when ordered so to do, or failing to pass their examinations, shall have their office declared vacant by the Commander-in-chief and an election shall be ordered, or appointment made to fill the same.

No person shall be elected, appointed to or hold any commissioned office in the National Guard of this State who is not a male citizen of the United States, or who has not declared his intention to become such, and over the age of twenty-one years, and no person above the age of forty-five years shall be disqualified on account of age from holding office or voluntarily serving in any organization of the active militia.

**Sec. 21. Rank of Commissioned Officers. How Determined.** Commissioned officers of the same grade shall determine their relative rank by the length of time served in that grade, whether continuous or not. Officers of the same grade having held their commissions for the same length of time shall determine their relative rank by lot.

**Sec. 22. Resignations.** The resignation of officers shall be addressed to the Commander-in-chief and transmitted to the Adjutant General through military channels. Commanding officers, before forwarding resignations, shall indorse thereon their approval or disapproval, together with all facts bearing upon the same. An officer ten-

dering his resignation shall not be considered as having vacated his office until his resignation is accepted.

**Sec. 23. Discharge.** An officer may be discharged by the Commander-in-chief:

1. Upon the sentence of a court-martial.
2. When it appears to the Commander-in-chief that he is unable or unfit to discharge the duties of his office, or that he has been convicted of an infamous crime.
3. When he has removed his residence out of the bounds of his command to so great a distance that it is inconvenient to perform the duties of his office.
4. When he has been absent from his command for a longer period than three months without leave.
5. Upon disbandment of the organization to which he belongs.
6. Upon tender of his resignation.

**Sec. 24. Retired List.** When an officer or enlisted man of the National Guard in good standing has served five years in the service of the State, he shall, if he makes application therefor to the Commander-in-chief, be placed on the retired list with the rank held at the time of his retirement, and said five years of service need not be continuous. When an officer or enlisted man shall become physically incapable of performing his duties he shall, upon his own application, or by direction of the Commander-in-chief, be ordered before a retiring board to be assembled, by order of the Commander-in-chief. If the report of the board shall show that the incapacity has resulted from no fault of the person examined he shall be placed upon the retired list. Any officer or enlisted man having availed himself of the provisions of this Section may not re-enter active service except with the approval of the Commander-in-chief.

**Sec. 25. Enlistments.** Any male who is a citizen of the United States, or who has declared his intention to become such citizen, if physically qualified, under the provisions of this Act, and more than eighteen years of age, and of good character and temperate habits, may be enlisted in the National Guard of this State under the provisions of this Act, for a term of not less than three years, and may continue to serve under such enlistment after the expiration of such term until discharged, provided that enlistments may be made as musicians at the age of sixteen years or over. No minor shall be enlisted without the written consent of his parent or guardian if one exists. No



man who has been a member of any military organization of this State or any other State or of the army, marine corps or navy of the United States, shall be enlisted or re-enlisted if his discharge shows such service was not honest and faithful, except upon the recommendation of the commanding officer under whom he served at the time of such discharge or upon the approval of the Adjutant General.

Every person enlisted or re-enlisted, shall execute an enlistment blank in the following form:

"I, ....., do hereby enlist in (company, troop, battery, etc., as the case may be), of the National Guard of Utah, for the term of three years (or one year, as the case may be), subject to all the laws, rules and regulations which may govern the same; and I do declare that I know of no impediment to my serving honestly and faithfully as a soldier for the term of my enlistment."

Sec. 26. **Id.** Any enlisted man discharged at his own request, upon re-enlistment in the same or any other organization, shall receive credit for the time served before such discharge, and his term of enlistment shall expire upon the completion of three years of service, the same as though his service had been continuous.

Any man who has served the period of his original enlistment in the National Guard of this State, or who has served an enlistment in the National Guard of any other State, or in the army, marine corps or navy of the United States, may be enlisted for the term of one year.

Sec. 27. **Enlisted Men to be Mustered in as Privates.** All enlisted men shall be mustered in as privates. Captains shall act as recruiting officers of their respective organizations, and the following oath shall be administered to all officers and enlisted men upon accepting office or entering the service:

"I, ....., do solemnly swear (or affirm) that I will bear true allegiance to the United States of America, and to the State of Utah; that I will serve them honestly and faithfully against all their enemies and oppressors whatsoever, and that I will observe and obey all orders of the President of the United States, the Governor of the State, and the orders of the officers appointed over me, according to the rules and articles of war for the government of the armies of the United States and of this State."

Such oath may be administered by any commissioned officer who has himself taken the same.

Sec. 28. **Transfers.** Enlisted men may be transferred upon their

own application from one organization to another by the Adjutant General upon the approval of the commanding officers of the respective organizations. Non-commissioned officers, when so transferred, will be transferred as privates:

**Sec. 28. Appointment of Non-Commissioned Officers.** Regimental non-commissioned staff officers shall be appointed by the regimental commander; the chief musician; and non-commissioned officers of the band by the regimental adjutant; battalion non-commissioned staff officers by the battalion commander; the non-commissioned officers of companies, of the battery and signal corps, by their respective commanding officers, and of the hospital corps by the surgeon junior in rank. All non-commissioned officers shall be warranted by the commanding officer of infantry, except those of the hospital corps, who shall be warranted by the Senior Surgeon.

**Sec. 30. Id. Reduced to Ranks. When.** - Non-commissioned officers may be reduced to the ranks: (1) By sentence of a court-martial. (2) By order of the Adjutant General, for good and sufficient reasons, upon the application of the company commander, to be approved by the commanding officer of the regiment. (3) By order of the Adjutant General, upon the application of the non-commissioned officer, to be approved by the company commander and the commanding officer of the regiment.

**Sec. 31. Change of Residence. Effect of.** An enlisted man who shall remove his residence to such distance from the armory of his organization as to render it impracticable to perform his duties, or shall so temporarily remove his residence to a point either within or without the State, may be dropped from the rolls by the commanding officer of the organization to which he belongs.

**Sec. 32. Id. Reinstatement.** An enlisted man dropped for the reasons set forth in the preceding paragraph, may be taken up at any time by the commanding officer of the organization to which he belongs, or by the commanding officer of any other organization stationed at the place to which he may have removed, upon the recommendation of the commanding officer of the organization from which he was dropped, and with the approval of the commanding officer of the organization stationed at the place to which he has removed.

**Sec. 33. Reasons for Discharge.** No enlisted man shall be discharged before the expiration of his term of enlistment, except for the following reasons:

1. Removal of residence from the State.

2. To accept promotion by commission.
3. For physical disability, certified by a medical officer.
4. For conviction of a felony in a civil court.
5. By two-thirds vote of the company requesting the discharge of a soldier for being habitually absent, inattentive or troublesome, or for being of such a character as to degrade the company.
6. Upon his own application, approved by the commanding officers of his company, regiment, or separate battalion.
7. Upon sentence of a court-martial.
8. Whenever, in the opinion of the commander-in-chief, the interest of the service would thereby be promoted.

**Sec. 34. Responsibility of Commanding Officers.** The commanding officer of infantry shall be responsible to the Governor for the general efficiency of the National Guard, and for the drill instruction, inspection, small arms and artillery practice, movements, operations, and care of troops.

All other commanding officers shall be responsible to their immediate commanders for the equipment, drill, instruction, and efficiency of their respective commands.

Every commissioned officer and enlisted man shall be responsible to the officer under whose immediate command he serves for prompt and unhesitating obedience, military deportment, efficiency and the preservation and proper use of the property of the United States, of the State, or of the organization to which he belongs, which may come into his possession.

**Sec. 35. Drills.** Officers and enlisted men shall be obliged to perform, during the year, not less than twenty-four compulsory drills and parades, including inspections. In addition to such drills and parades, a commanding officer may require the officers and enlisted men of his command to meet for parade, drills and instruction at such time and place as he may appoint.

**Sec. 36. Prizes.** To encourage marksmanship the Governor is authorized to offer annually a State decoration to those who shall excel in small arms practice, also a prize, not exceeding \$100.00 in value, to be competed for annually by the organizations armed with the rifle; all such prizes to be competed for under regulations to be prescribed by a

board of three officers to be appointed by the Governor, and all such competitions shall be open to all officers and enlisted men of the Guard. The Governor may also offer prizes, not to exceed the amount of \$75.00 per year, to be bestowed upon the company or companies showing the highest degree of perfection in the performance of any prescribed duty, and such prize to become a part of the company fund.

**Sec. 37. Encampments.** It shall be the duty of the commander-in-chief to assemble the National Guard at a camp of instruction for at least five consecutive days at least once in each year, under such regulations as he may prescribe, and when invited and deemed advisable by the Governor, the National Guard shall participate in joint camps of maneuver of the United States Army and the militia of the several states, and such participation shall be in lieu of the annual encampment above provided for.

**Sec. 38. Annual Inspections.** Annual inspections by an officer of the United States Army, participation in public ceremonies and parades, rifle practice, rifle competition and rifle matches, both state, interstate and national, shall be deemed military duties of the National Guard of this State, and when participated in by the Guard of this State or any part or portion thereof, under orders of the commander-in-chief, the expenses and pay incident thereto shall be allowed by the proper auditing officers from the State appropriation for the support of the militia.

**Sec. 39. Commander-in-Chief May Prescribe Rules and Regulations.** The commander-in-chief is authorized and has power to establish and prescribe such rules and regulations, forms and precedent, not inconsistent with the provisions of law, as he may deem proper for the use, government and instruction of the National Guard, and to carry into full effect the provisions of law relative thereto. Such rules and regulations, forms and precedents shall, from time to time, be revised as may be deemed necessary and shall be promulgated in orders and compiled in such form as may be deemed advisable for the information of the National Guard.

The forces organized as prescribed in this Act shall be considered in the actual service of this State, and the members thereof shall be subject to such military rules and regulations, and all military offenses prescribed therein, such as disobedience of orders, non-attendance at drill, assemblies, parades, reviews or encampments, or neglect or non-performance of such other duties as they may be lawfully called upon to perform or conduct to the prejudice of good order and military discipline, shall be considered, and they are hereby declared to be, offenses

against the general police regulations of the State, and shall be punished by fine and imprisonment as hereinafter provided.

Regimental, battalion and company rules of government and by-laws regularly adopted by a majority of the commissioned officers of such regiments and battalions or members of companies, and approved by the commander-in-chief, may be adopted and enforced in such regiments, battalions and companies if they are not in conflict with the laws and regulations of this State.

**Sec. 40. Orders for Duty.** Orders for duty may be oral or written. Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order or by reading the order to the person warned, or by delivering a copy of such order to such person or by leaving a copy at his last known place of abode or business, or by mailing to the post-office nearest thereto. Such warning may be given by any officer or non-commissioned officer. The officer or non-commissioned officer giving such notice or warning shall make a return thereof containing the name of the person warned, and the time, place and manner of warning, if required by the officer issuing the order; such return may be verified by his oath, which may be administered by any commanding officer.

Such verified returns shall be evidence on the trial of any person returned as a delinquent of the facts therein stated.

**Sec. 41. Military Offenses. How Tried.** All military offenses under the articles of war of the United States, under this Act, and under the rules and regulations, which may from time to time be made and published in accordance with the provisions of this Act, shall be tried by courts-martial. Offenses under the articles of war of the United States Army shall be tried by courts constituted as provided by the United States Army regulations. Offenses under the military law of this State and the military rules and regulations are punishable by dishonorable discharge from the service, reduction of a non-commissioned officer to the ranks, a reprimand, or by fine or imprisonment, or by both fine and imprisonment, but no sentence of dishonorable discharge from the service shall be imposed except by a general court-martial, nor shall a fine be imposed exceeding \$25.00, nor sentence of imprisonment exceed twenty-five days.

**Sec. 42. Military Courts.** The Military Courts of this State shall be courts of inquiry, general courts-martial and summary courts.

**Sec. 43. Courts of Inquiry.** Courts of inquiry to consist of from one to three officers of at least equal grade with the officer, or with the

senior officer, if there be more than one, in regard to whom the court is ordered, may be ordered by the commander-in-chief to examine into the nature of any transaction of or accusation or implication against any officer or soldier. The court shall, without delay, report to the commander-in-chief through the Adjutant General a statement of the facts found, and when required, an opinion thereon. Any officer may request a court of inquiry.

**Sec. 44. Courts-Martial.** General courts-martial may be ordered by the commander-in-chief and shall consist of five officers of at least equal rank with the accused, and a judge-advocate. Three of the five officers of the court shall constitute a quorum and may act upon all matters properly brought before the court.

**Sec. 45. Summary Courts.** The summary court shall consist of one officer appointed by the regimental commander or by the commanding officer of any battalion, battery, troop or corps when such battalion, battery, troop or corps is not attached to an infantry regiment for administrative purposes or not serving therewith when actually engaged in field duty.

**Sec. 46. Rules Governing Courts-Martial.** The rules, practice and procedure of courts-martial provided for in this act shall be the same as is or may be hereafter provided for the government of courts-martial of the army of the United States.

The proceedings and sentences of general courts-martial shall be reported to the commander-in-chief through the adjutant general, and of summary courts to the officer appointing the court or his successor to the command, and the findings of said court shall be approved or disapproved by the commander-in-chief or the officer appointing the court, or his successor to the command, within fifteen days thereafter, and he shall notify the delinquent of his approval or disapproval thereof, and from the sentence of said court the person tried may appeal within ten days after notification of the imposition of the fine or penalty to the commander-in-chief or the commanding officer ordering the court or to his successor in command as the case may be.

The president of every military court and any summary court officer may issue a summons to a delinquent to appear before such court or officer, or a warrant for the arrest and production of said delinquent before such court or officer. Such summons and warrant may be served by any peace officer, or by any officer or enlisted man of the National Guard designated by the president of any military court or by any summary court officer. Such summons shall be served in the manner pro-

vided by law for the service of summons in a civil action and may require the delinquent to appear at such time and place as shall be stated therein, and the president of any military court and every summary court officer shall have power to issue subpoenas for witnesses for the prosecution or defense, and shall have power to compel the production of books and papers, and to administer the usual oath to witnesses, and to preserve order as have other courts of this State by fine or imprisonment for contempt. Any delinquent who shall fail to appear at the time and place mentioned in the summons served upon him, and any officer or enlisted man failing to appear at the time and place designated in any subpoena served upon him, issued as hereinbefore provided, shall be deemed guilty of contempt and may be fined by said courts in any sum not exceeding twenty-five dollars.

Every witness not a member of the National Guard of this State, not appearing in obedience to such subpoena, when duly served upon him, and not having a sufficient and reasonable excuse, shall forfeit to the State, to be placed to the credit of the military fund, a sum not less than ten dollars, nor more than twenty-five dollars for each default, the names of such persons to be reported to the County Attorney, together with names and places of residence of the persons serving such subpoenas, the better to enable him to prosecute such delinquents for such forfeitures.

**Sec. 47. Collection of Fines.** For the purpose of collecting fines imposed by courts-martial, the president of the court or the summary court officer shall within twenty days after the proceedings of the court have been approved, draw his official warrant, directed to the sheriff of the county or constable of the precinct, commanding him to levy the fine, together with the costs out of the goods and chattels of the delinquent, sale thereof to be made as provided by law for sales under execution. Such warrant shall state the offense charged and the amount of fine imposed. No property shall be exempt from the payment of such fines and penalties. In default of sufficient goods and chattels to satisfy the same, such sheriff or constable shall take the body of said delinquent and confine him in the county jail and the jailer shall keep such delinquent closely confined without bail for one day for each dollar of the fine imposed, unless such fine with costs is sooner paid, but no such imprisonment shall extend beyond ten days. The commander-in-chief or the officer appointing the court may remit such fines and penalties if the ends of justice so require. All fines shall be paid to the captain or treasurer of the organization to which the delinquent belongs for the benefit of the military fund of the organization or if such delinquent belongs to the staff, to the State Treasurer for the credit of the military fund. All sheriffs, jailers and constables are required to serve any process, warrant or order is-

sued by the president of a general court martial, or by any summary court officer, and the keepers of all county jails are required to receive and confine all military offenders when delivered by any sheriff or constable in conformity with the provisions of this act.

**Sec. 48. No Action to be Maintained Against Member of Military Court.** No action or proceedings shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority, or reviewing its proceedings, on account of the imposition, approval or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

**Sec. 49. Jurisdiction of Courts.** The jurisdiction of the courts established by this Act, shall be presumed, and the burden of proof shall rest on any person seeking to oust said court of jurisdiction in any action or proceeding.

**Sec. 50. Arsenal to be Provided.** The Governor is hereby authorized to provide an arsenal at the State Capital for the storage of arms, equipment and military supplies. Military supplies shall be issued upon requisition of the officer requiring the same. Military supplies for the respective organizations shall be issued to and receipted for by the commanding officer thereof, who shall be responsible to the State for the care and preservation of the same. Commanding officers will be responsible to the State for the money value of all property issued to them, which may be lost by reason of carelessness and negligence upon their part, and the Governor may require such officers, and all other officers, receiving property to give a good and sufficient bond, in such form as the Governor or Adjutant General may prescribe with sureties to be approved by the Adjutant General. Band instruments and uniforms and equipment for the band shall be issued to the regimental adjutant.

**Sec. 51. Uniforms, Arms and Equipment.** The uniforms, arms and equipment of the National Guard shall be identical with those of the regular army of the United States. Uniforms and equipment issued by the State for militia purposes, shall not be sold or used for other purposes, and shall be exempt from all civil process.

**Sec. 52. Arms, Ordnance, Etc., Property of State.** Arms, ordnance, quartermaster's stores, camp equipment and other military property, whether the property of the United States or of this State, for the purposes of this Section shall be deemed the property of the State and shall be used only in the discharge of military duties. Any member of the National Guard who shall embezzle, misapply, dispose of, secrete,



remove and retain in his possession without authority, or who shall wilfully injure or destroy any such property, or shall fail to produce the same or its equivalent when so ordered, shall be deemed guilty of a misdemeanor and subject to trial by court-martial, or by a justice of the peace in any county where the accused may be found; and on conviction thereof, shall be fined in a sum double the value of the property involved, together with the cost of prosecution and in default of payment thereof, shall be imprisoned not less than one or more than three months in the jail of the county where the offense was committed, or where the court is held. Any person not a member of the National Guard who shall knowingly and wilfully receive in pawn or in pledge, or who shall purchase or otherwise acquire, or shall have in his possession and refuse upon demand to deliver any such property, shall be deemed guilty of a misdemeanor and upon conviction by any civil court of competent jurisdiction shall be fined and imprisoned as hereinbefore provided in the case of a member of the National Guard. No exemption shall be allowed on execution issued for the collection of such fines. So much of the money assessed in either of the cases aforesaid, as may be necessary, shall be paid to the Adjutant General to enable him to replace by purchase the articles of property involved in the prosecution and the remainder shall be paid into the treasury of the State and be placed to the credit of the military fund.

**Sec. 53. Penalty for Wearing Uniforms of United States Army or Navy. Exceptions.** Every person other than an officer or enlisted man of the National Guard of the State of Utah, or of any other State, or of the United States Army, Navy, Marine Corps, or Revenue or Forest Service, or inmate of any veteran's or soldier's home, or student of any school where military instruction is given, who at any time wears the uniform of the United States army or navy, or National Guard or any part of such uniform or a uniform or part of a uniform similar thereto within the bounds of the State of Utah is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one hundred dollars and by imprisonment in the county jail not exceeding three months, provided that nothing in this Act shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theater while actually engaged in following said profession, and provided, that nothing in this Act shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; and, provided further, that whenever the National Guard, or any part thereof is in active service, or is called into active service, no civic organization or member thereof shall parade in uniform in the locality where said National Guard is in service.

**Sec. 54. Selection of Grounds for Encampment or Rendezvous.** The

commanding officer of any parade, review or drill and the officer of any rendezvous may cause the ground selected for that purpose to be marked or designated in such manner as not to obstruct the passage of travelers on any public highway; and prohibit the entrance thereon of all unauthorized persons, he may also prohibit and prevent the sale or use of all spirituous liquors, wine, ale and beer, the holding of huckster or auction sales, and all gambling, within the limits of such encampment or within such limits not exceeding one-half mile therefrom, as he may prescribe, and he may abate as a nuisance any such traffic with the prescribed limits.

Every person who wilfully disobeys the orders of any commanding officer made under the provisions of this section and every person who interrupts, molests, or insults, by abusive words or behavior any officer or enlisted man while in the performance of any duty, or when he is on his way to or from the place of the performance of any duty, or who attempts by means of any threat or violence, coercion or advice to deter or prevent any officer or enlisted man from performing any lawful duty or who knowingly resist by use of force or violence, such member in the performance of any duty, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months.

Any person violating the provisions of this section may be immediately put under arrest and turned over to the civil authorities for punishment or kept under arrest and confinement at the discretion of the commanding officer of the forces engaged in the performance of such duty until the setting of the sun of the day succeeding that on which the offense was committed.

**Sec. 55. County Attorney to Prosecute.** It is hereby made the duty of the County Attorney of each County of the State wherein any of the offenses punishable by fine or imprisonment mentioned in this title have been committed, or wherein the accused has been arrested, to prosecute such accused persons at the expense of the State.

**Sec. 56. Pay of Militia.** The militia forces of this State when at camps of instruction either State or joint camps of maneuver with the army of the United States and when in attendance at rifle matches, either State, interstate or national, under orders of the commander-in-chief and when called into service in time of war, insurrection, invasion or riot, or imminent danger thereof shall receive the following pay: Privates, \$1.50 per day, except one cook to each organization shall receive \$3.00 per day; corporals, \$1.75 per day; sergeants, \$2.00 per day; first sergeants and non-commissioned staff officers of battalions and regiments, \$2.25 per day; commissioned officers shall receive the same

pay as officers of a like grade in the regular army of the United States. In addition to the above pay, each officer and enlisted man shall receive one ration per day. This per diem shall be inclusive of any special appropriations made by the United States Government.

**Sec. 57. Id. As Member of Board or Witness.** When in attendance as a member or a witness upon any military court or board or parade, government inspection or special duty ordered by the proper authority, pursuant to the provisions of this Act, members of the State Militia shall receive the following compensations per diem: General officers, \$5.00; field officers, \$4.00; commissioned officers below the grade of major, \$3.00; enlisted men as provided in the preceding section. In addition thereto each officer or enlisted man, while on any of the above duties, necessary for the public service, shall be entitled to such actual expenses as shall be approved by competent authority for transportation and subsistence for each day actually employed in such court, board or special duty, or engaged in the business thereof, or in traveling to and from the same.

**Sec. 58. Id. Commanding Officer for Each Drill.** The commanding officer of each organization of the National Guard shall receive the sum of \$2.00 for each drill held, not to exceed one drill per week and fifty drills per year, when the strength of his organization and the percentage of attendance at each drill reaches a minimum strength and attendance which shall, from time to time, be fixed for each organization by order of the commander-in-chief, which compensation shall be paid quarterly. The regimental adjutant shall also receive the sum of \$2.00 per week for the performance of his duties, to be paid quarterly; provided, that he is in actual attendance at the armory in the performance of his duties not less than two nights per week. The regimental sergeant major and the first sergeants, or the sergeants acting in that capacity of each organization shall receive the sum of \$10.00 per quarter, to be paid quarterly, for the performance of the duty pertaining to their office and the quartermaster sergeant of each organization shall receive the sum of \$10.00 per quarter, to be paid quarterly, for the performance of the duties pertaining to his office, except the quartermaster sergeants of mounted organizations, who shall receive the sum of \$25.00 per quarter, payable quarterly.

**Sec. 59. Civilian Employees.** Whenever the National Guard shall be ordered into encampment by the commander-in-chief, or otherwise called into service of the State, the commander-in-chief may authorize the employment of such civilian employees as may be expedient and necessary to perform such duties as are not of a military nature pertaining to such camp or duty.

**Sec. 60. Pay of Band Members.** Members of the band, without regard to rank, shall receive the sum of \$3.00 per day when called into service by orders of the commander-in-chief.

**Sec. 61. Unlawful to Drill or Parade. When.** It shall not be lawful for any body of men other than the militia of this State regularly organized or called into service, the troops of the United States, the students of educational institutions receiving military instructions under command of their instructor, or organizations of a purely benevolent or social character, to drill or parade with arms in this State.

**Sec. 62. No Separate or Detached Companies.** There shall be no separate or unattached companies, corps or batteries in the Guard; all shall be attached to the regimental organization, unless detached by proper order.

**Sec. 63. Drill Regulations.** The United States drill regulations shall be exclusively used for drill purposes.

**Sec. 64. Troops to Perform Military Duty.** The commanding officer of any troops under arms may cause them to perform any military duty he shall require, and shall arrest and put under guard any officer, non-commissioned officer, musician or private who shall disobey the orders of his superior officer.

**Sec. 65. Senior Officer in Command. When.** The command of any military force when on parade or called into service under the provisions of this Act, shall devolve upon the senior officer, not staff, of such force present.

**Sec. 66. Colors.** Each regiment or separate battalion shall have two colors, the national colors and the regimental colors, the latter to be blue with the arms of the State embroidered in white silk on the center, having underneath a red scroll with the number and name of the regiment, a yellow fringe and cord and tassels of blue and white silk intermixed. The hospital and ambulance flags and the flags for markers and general guides shall be similar to those used by the United States army.

**Sec. 67. No Company Must Leave State Without Consent of Commander-in-Chief.** No military company unless called into the service of the United States shall leave the State with arms and equipments without the consent of the commander-in-chief and any company so offending in this particular may be disbanded by the commander-in-chief.

**Sec. 68. Privileged from Arrest.** The members of the National Guard shall in all cases, except those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at drills, parades, encampments and the election of officers, and in going to and returning from the same.

**Sec. 69. Exempt from Poll Tax.** Every officer, non-commissioned officer, musician and private of the national guard of Utah shall be exempt from head or poll tax of every description for the year during any part of which he shall hold a commission as officer, or be enrolled as an enlisted man of the National Guard of Utah.

**Sec. 70. Wounded and Disabled to Receive Care and Medical Attention. Relief. State Auditor to Draw Warrants.** Every member of the active militia, who shall be wounded or disabled while in the performance of his duty in the service of the State shall receive care and medical attention at the expense of the State and shall receive the per diem provided for in this Act during the time he shall be temporarily incapacitated from pursuing his usual duties and occupation.

He shall receive such other just and reasonable relief as the Legislature may provide. All claims arising under this section shall be inquired into by a board appointed by the commander-in-chief of at least three officers, one of which shall be a medical officer, such board to be appointed upon the application of the member claiming to be injured. Such board shall have the power possessed by general courts-martial. A report of said board shall be filed with the Secretary of State for action by the board of examiners.

The State Auditor is hereby authorized and required to draw his warrant on the State Treasurer for the purposes and amounts specified in this title on the presentation to him of itemized bills and estimates, verified by affidavit of the claimants, approved by the Adjutant General, and audited by the State Board of Examiners, provided such per diem shall not exceed the amount appropriated by the Legislature.

**Sec. 71. Repeal.** That Sections 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1494x3, 1494x4 and 1494x5, Compiled Laws of Utah, 1907, be and that the same are hereby repealed.

Approved March 22, 1909.

## CHAPTER 74.

## IRRIGATION DISTRICTS.

"An Act in Relation to the Creation of Irrigation Districts, Providing the Method of Fixing and Altering the Boundaries Thereof; Defining the Manner of Organizing and Dissolving Irrigation Districts; Providing for District Elections and Defining the Manner of Proclaiming and Giving Notice for the Same and Prescribing the Method of their Regulation; Determining the Method of Balloting and Fixing the Qualifications of Electors; Providing for a Board of Directors in Each District and Defining the Powers and Duties Thereof, Also Defining the Duties of County Officers in Connection with Irrigation Districts; Providing for the Exercise of the Right of Eminent Domain Certain Cases; Providing for the Bonding of Districts and Prescribing the Method of Issuing and Discharging the Bonds; Providing for the Levy and Assessment of Taxes; Prescribing the Method of Advertising for Bids; Defining the Manner of Submitting Claims Against the District and Providing for the Manner of Withdrawing From a District and Hearings in Certain Cases."

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

**SECTION 1. Organization of Irrigation Districts.** Whenever a majority of the land owners in any district desire to provide for the irrigation of the same they may propose the organization of an irrigation district under the provisions of this Act, and when so organized each district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation districts; provided, that where ditches, canals, or reservoirs have been constructed before the passage of this Act, such ditches, canals, reservoirs and franchises, and the lands watered thereby, shall be exempt from the operation of this law, except such district shall be formed to purchase, acquire, lease or rent such ditches, canals, reservoirs and their franchises.

**Sec. 2. Petition to be Filed with Board of County Commissioners.** For the purpose of the establishment of an irrigation district as provided by this Act, a petition shall be filed with the Board of County Commissioners of the county which embraces the largest acreage of the proposed district; said petition shall state that it is the purpose of petitioners to organize an irrigation district, under the provisions of this Act; said petition shall also contain a general description of the boundaries of such proposed district, the means proposed to supply water for the irrigation of the lands embraced therein, the name proposed for such district and shall select a committee of three of said petitioners to present such petition to the Board of County Commissioners as provided by law, praying that the said Board define and establish the boundaries of said proposed district and submit the question of the

final organization of the same to the vote of the land owners within said proposed district; said petition shall be signed by a majority of the land owners within said proposed district, and who shall also be the owners in the aggregate of a majority of the whole number of acres belonging to the land owners within the said proposed district. The said petition shall also be accompanied by a good and sufficient bond, to be approved by said Board of County Commissioners in double the amount of the probable cost of organizing such district, conditioned for the payment of all costs incurred in said proceedings in case said organization shall not be effected, but in case such district is so effected, then said expenses incurred by the Board of County Commissioners shall be paid back to said county by said district. Such petitions shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the County if there be no such taxes published in said county, then said petition shall be published in some newspaper having general circulation in said county, where said petition is to be presented, together with a notice signed by the committee of said petitioners selected by the petition for that purpose giving the time and place of the presentation of the same to said Board of County Commissioners.

**Sec. 3. Id. Boundaries of Proposed District to be Defined. Election. Officers.** When such petition is presented and it shall appear that the notice of the presentation of said petition has been given as required by law, and that said petition has been signed by the requisite number of petitioners as required by this Act, the Commissioners shall then proceed to define the boundaries of said proposed district from said petition and from such applications for the exclusion of lands therefrom and the inclusion of lands therein as may be made in accordance with the intent of this Act; they may adjourn such examination from time to time not exceeding three weeks in all and shall by final order duly entered define and establish the boundaries of such proposed district; provided, that said Board shall not modify such proposed boundaries described in the petition so as to change the objects of said petition or so as to exempt from the operation of this Act any land within the boundaries proposed by the petition susceptible to irrigation by the same system of water works applicable to other lands in such proposed district; nor shall any land which will not in the judgment of the Board be benefited by such proposed system be included in such district if the owner thereof shall make application at such hearing to withdraw the same; provided also, that contiguous lands not included in said proposed district as described in the petition may upon application of the owner or owners be included in such district upon such hearing.

When the boundaries of any proposed district shall have been ex-

amined and defined as aforesaid the County Commissioners shall forthwith make an order allowing the prayer of said petition, defining and establishing the boundaries and designating the name of such proposed district. Thereupon the said Commissioners shall by further order duly entered upon their record call an election of the land owners of said district to be held for the purpose of determining whether such district shall be organized under the conditions of this Act, and by such order shall submit the names of one or more persons from each of the three divisions of said district as hereinafter provided to be voted for as directors therein, and for the purposes of said election shall divide said district into three divisions as nearly equal in size as may be practicable and shall provide that a land owner of each of said three divisions shall be elected as a member of the Board of Directors of said district by the land owners of the whole district. Each of said divisions shall constitute an election precinct and three judges shall be appointed for each of such precincts, one of whom shall act as clerk of said election; provided, that in the hearing of any such petition the Board of County Commissioners shall disregard any informality therein, and in case they deny the same or dismiss it for any reason on account of the provisions of this Act not having been complied with, which are the only reasons upon which they shall have a right to refuse or dismiss the same, they shall state their reasons in writing therefor in detail, which shall be entered upon their records and in case these reasons are not well founded, a writ of mandamus shall, upon proper application therefor, issue out of the District Court of said County, compelling them to act in compliance with this Act, which writ shall be heard within twenty days from the date of its issuance, and which twenty days shall be excluded from the forty days given the Commissioners herein to act upon said petition. The officers of such district shall consist of three directors, a secretary and treasurer.

**Sec. 4. Id. Notice. Who Entitled to Vote. Ballots.** The Board of County Commissioners shall thereupon cause a notice embodying said orders in substance signed by the Chairman of the Board of County Commissioners and the clerk of said Board to be issued, given and published, giving public notice of said election, the time and places thereof, the matters submitted to the vote of the land owners; said notice and order shall be published once a week for at least three weeks prior to such election in a newspaper of general circulation in said county, and if any portion of such proposed district lies within any other county or counties then such order and notice shall be published in a newspaper of general circulation within each of said counties.

At all elections held under the provisions of this Act all persons shall be entitled to vote, who are land owners of agricultural lands



within said district. Land owners not residing within the district shall be entitled to vote only within the division of such district wherein their lands or a major portion thereof are located; and any person entitled to vote as aforesaid shall also be eligible to election as a director in and for the division in such district, in which the major portion of his lands are located. The ballots to be used and cast at such election for the formation of such district shall be substantially as follows: "Irrigation District—Yes," or "Irrigation District—No," or words equivalent thereto, and shall also contain the names of the persons to be voted for as members of the Board of Directors of said district; each land owner may vote for three directors, one from each division, and shall indicate his vote by placing a marginal cross upon the ballot for or against any question submitted or name voted upon and opposite thereto at an election held under this Act. Provided, that at all elections each elector as provided herein shall be entitled to cast one vote for each acre of land or fraction thereof owned by such elector, and shall sign the ballot and indicate opposite his or her name the number of acres owned by the elector casting the ballot.

**Sec. 5. Canvass of Votes. Result Declared. Copy of Order and Plat to be Filed.** The said Board of County Commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the votes cast thereat; and if, upon such canvass it appears that at least a majority of said legal electors in said district have voted "Irrigation District—Yes," the said Board shall by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the persons receiving respectively the highest number of votes for such several offices to be duly elected to such office. Said Board shall cause a copy of such order, including a plat of said district, duly certified by the clerk of the Board of County Commissioners, to be immediately filed for record in the office of the County Clerk of each county in which any portion of such lands are situated, and no Board of County Commissioners of any county, including any portion of such district, shall after the date of organization of such district, allow another district to be formed, including any of the land of such district; without the consent of the Board of Directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall immediately enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, until their successors are elected and qualified. For the purpose of the election above provided for, the said Board of County Commissioners must establish a convenient number of election precincts and polling places in said proposed district, and define the boundaries thereof, which said precincts

may thereafter be changed by the Board of Directors of such districts, and shall also appoint the judges of election for each such precinct, one of whom shall act as clerk of election.

**Sec. 6. Elections. When Held. Bonds.** The regular election of said district, for the purpose of electing a Board of Directors shall be held on the first Tuesday after the first Monday in December of each year, at which time one director shall be elected for a term of three years. Provided, that at the first election held to choose the first Board of Directors, after the organization of any district shall have been effected, the person having the highest number of votes shall continue in office for the full term of three years; the next highest two years. But if two or more persons have the same number of votes then their term shall be determined by lot, under the direction of the County Court of the County wherein the organization of said district shall have been effected. The person receiving the highest number of votes for any office to be filled at such election is elected thereto. Within ten days after receiving their certificates of election hereinafter provided for said officers shall take and subscribe the official oath and file the same in the office of the County Clerk wherein the organization was effected, and on the first day of January following shall assume the duties of their respective offices. Each member of the Board of Directors shall execute an official bond in the sum of three thousand dollars (\$3,000) which bond shall be approved by the County Court of the County wherein such organization was effected, and shall be recorded in the office of the County Clerk thereof. All official bonds herein provided shall be in form prescribed by law for official bonds for county officials, except that the obligee named in said bonds shall be to the district, and shall be filed with the County Clerk at the same time as the filing of the oath herein provided.

**Sec. 7. Location of Office. Board of Election.** The office of the Board of Directors shall be located in the County where the organization was effected. Fifteen days before any election held under this Act, subsequent to the organization of the district, the secretary who shall be appointed by the Board of Directors shall cause notice specifying the polling places of each precinct to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said Board, which shall be established and kept at some fixed place to be determined by said Board in said County. Prior to the time for posting the notices, the Board must appoint from each precinct, from the electors thereof, three judges, one of whom shall act as clerk, who shall constitute a Board of Election for such precinct. If the Board fails to appoint a Board of Election, or the members appointed do not

attend the opening of polls on the morning of election, the electors of the precinct present at that hour may appoint the Board, or supply the place of an absent member thereof. The Board of Directors must, in its order appointing the Board of Election, designate the hour and the place in the precinct where the election must be held.

**Sec. 8. Duties and Powers of Judges of Election. Polls.** One of the judges shall be chairman of the election board and may: First, administer all oaths required in the progress of an election. Second, appoint judges and clerks, if during the progress of the election any judge or clerk ceases to act. Any member of the Board of Election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the Board must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight o'clock in the morning of election and be kept open until six o'clock p. m. of the same day. It shall be the duty of the clerk of the Board of Election to forthwith deliver the returns duly certified to the Board of Directors of the district.

**Sec. 9. Board of Directors to Meet and Canvass Returns.** No lists, tally papers, or certificates returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood. The Board of Directors must meet at its usual place of meeting on the first Monday after election and canvass the returns. If at the time of meeting the returns from each precinct in the district in which the polls were opened have been received, the Board of Directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and counting the votes of the district for each person voted for, and declaring the results thereof. The Board shall declare elected the person receiving the highest number of votes so returned for each office, and also declare the result of any question submitted.

**Sec. 10. Duty of Secretary of Board. Result of Election Declared.** The secretary of the Board of Directors must, as soon as the result of any election held under the provisions of this Act is declared, enter in the records of such Board and file with the County Clerk of the county in which the office of said district is located, a statement of such results, which statement must show: First, a copy of the publication notice of said election. Second, the names of the judges of said election. Third, the whole number of votes cast in the district and in each pre-

inct of the district. Fourth, the names of the persons voted for. Fifth, the office to fill which each person was voted for. Sixth, the number of votes given in each precinct for each of such persons. Seventh, the number of votes given in the district for each of such persons. Eighth, the names of the persons declared elected. Ninth, the result declared on any question submitted in accordance with the majority of the votes cast for or against such question. The Board of Directors must declare elected the person having the highest number of votes given for each office, and also the result of any question submitted. The secretary must immediately make out and deliver to such person a certificate of election, signed by him and authenticated with the seal of the Board. In case of a vacancy in the Board of Directors, by death, removal, or inability from any cause, to properly discharge the duties as such director, the vacancy shall be filled by appointment by the remaining members of the Board, and upon their failure or inability to act within thirty days after such vacancy occurs, then upon petition of five land owners of said district the Board of County Commissioners of the county where the office of said Board of Directors is situated, shall fill such vacancy or vacancies. Any director appointed as above provided shall hold his office until the next general election of said district, and until his successor is elected and qualified.

**Sec. 11. Directors Must Organize. Powers and Duties.** The Directors, having duly qualified, shall organize as a board, elect a president from their number, and appoint a secretary. The board shall have power, and it shall be their duty, to adopt a seal, manage and conduct the affairs and business of the district, make and execute all necessary contracts, employ such agents, attorneys, officers and employes as may be required, and prescribe their duties, establish equitable rules and regulations for the distribution and use of water among the owners of said land, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this Act. Said Board shall have the power in addition to the means to supply water to said district proposed by the petition submitted for the formation of said district, to construct, acquire, or purchase any and all canals, ditches, reservoirs, reservoir sites, water, water rights, rights of way, or other property necessary for the use of the district. In case of the purchase of any property by such district the bonds of the district hereinafter provided for may be used at their par value in payment without previous offer of such bonds for sale. But no contract involving a consideration exceeding ten thousand (\$10,000) dollars, and not exceeding twenty-five thousand (\$25,000) dollars shall be binding, unless such contract shall be authorized and ratified in writing by a majority of the land owners of said district according to the number of votes cast at the last district election; nor shall any contract in excess of twenty-five thousand (\$25,-

000) dollars be binding until such contract shall have been authorized and ratified at an election, in manner as is provided for the issue of bonds.

The said rules and regulations shall be printed in convenient form as soon as the same are adopted, for distribution in the district. All waters distributed shall be apportioned to each land owner pro rata to the lands assessed under this Act within such district. The Board of Directors shall have power to lease or rent the use of water not needed by the land owners of said district or contract for the delivery thereof to occupants of other land within or without the said district at such prices and on such terms as they deem best, provided the rental shall not be less than one and one-half times the amount of the district tax for which said land would be liable if held as a freeholder, and provided further no vested or prescriptive right to the use of such water shall attach to said land by virtue of such lease or such rental, provided that any land owner in said district may with the consent of the Board of Directors assign the right to the whole or any portion of the water so apportioned to him for any one year where practicable to any other bona fide land owner, to be used in said district for use on his land for said year, provided such owners shall have paid all amounts due on assessments upon all such lands.

**Sec. 12. Id. Contracts. Meeting of Board.** The Board of Directors shall further have power to lease or rent the use of water or to contract for the delivery thereof to settlers upon or occupants of the public domain on the terms hereabove provided; provided that in such case the Board of Directors shall have the further power to make a contract on behalf of the district with such settler or occupant to the effect that such settler or occupant shall, upon entry or purchase of such lands and upon the payment of his proportionate share of the bond assessments as provided in Section 35, include his land within said district, and shall upon such inclusion be entitled to all the rights and privileges of a member of said district. Before the execution of such contract the Board of Directors shall cause notice of such contract to be given substantially as provided in Section 33 of this Act, with such changes in the form of the notice as may be necessary, and a hearing upon said contract and all objections thereto shall be had as provided in Section 34 of this Act. If upon said hearing the Board of Directors deem it not for the best interests of the district that said contract be executed, the board may execute said contract, and in such case said contract shall be valid and binding upon all parties thereto, and when the said settler or occupant shall have complied with said contract, the board shall, upon proof of such compliance, and without any further notice or hearing upon the matter, enter an order of inclusion of said lands as

provided in Section 36 of this Act; provided, if within thirty days from the execution of said contract, a majority of the land owners of the district protest in writing to said Board against the execution of said contract, said contract shall be held for naught, and shall not be binding upon any party thereto. The Board of Directors shall hold a regular quarterly meeting in their office on the first Tuesday in January, April, July and October, and such special meetings as may be required for the proper transaction of business. A special meeting may be called by a written request of one-third of the electors of said district, addressed to the president or Board of Directors, or by the president of the board or by any two directors. All meetings of the board must be public, and two members shall constitute a quorum for the transaction of business; and on all questions requiring a vote there shall be a concurrence of at least two members of said board. All records of the board must be open to the inspection of any land owner during business hours. The board, its agents, and employees, shall have the right to enter upon any land in the district, to make surveys and to locate and construct any canal or canals, and the necessary laterals. Said board shall also have the right to acquire all lands, water rights, franchises and other property necessary for the construction, use, maintenance, repair, and improvement of its canals, ditches, reservoirs and water works; and shall also have the right by purchase or condemnation to acquire rights of way for the construction or enlargement of any of its ditches, canals or reservoirs, also lands for reservoir sites.

**Sec. 13. Title of Property.** The title to all property acquired under the provisions of this Act shall immediately and by operation of law vest in such irrigation district, in its corporate name, and shall be held by such district in trust for, and is hereby dedicated and set apart for the uses and purposes set forth in this Act, and shall be exempt from all taxation, and said board is hereby authorized and empowered to hold, use and acquire, manage, occupy and possess said property as herein provided; provided, that, when any district contemplated in this Act shall find it necessary to procure and acquire a supply of water from outside the boundaries of this State, then in such event it shall be lawful for said district to contract and pay for the same in the same manner as other property acquired by the district is purchased and paid for.

**Sec. 14. Conveyances. Litigation.** The said board is hereby authorized and empowered to take conveyances or assurances for all property acquired by it under the provisions of this Act in the name of such irrigation district to and for the purposes herein expressed and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the pro-

visions of this Act or to enforce, maintain, protect, or preserve any or all rights, privileges and immunities created by this Act or acquired in pursuance thereof. And in all courts, actions, suits, or proceedings the said board may sue, appear and defend in person or by attorneys and in the name of such irrigation district. Judicial notice shall be taken in all actions, suits and judicial proceedings in any court of this State of the organization and existence of any irrigation district of this State, now or hereafter organized, from and after the filing for record in the office of the County Clerk of the certified copy of the order of the Board of County Commissioners mentioned in Section 3 of this Act; and a certified copy of said order shall be prima facie evidence in all actions, suits and proceedings in any court of this State of the regularity and legal sufficiency of all acts, matters and proceedings therein recited and set forth; and any such irrigation district, in regard to which any such order has been heretofore or may hereafter be entered, and such certified copy thereof, so filed for record, and which has exercised or shall exercise the rights and powers of such a district, and shall have had or shall have in office a Board of Directors exercising the duties of their office, and legality or regularity of the formation or organization whereof shall not have been questioned by proceedings in quo warranto instituted in the District Court of the county in which such district or the greater portion thereof is situated within one year from the date of such filing, shall be conclusively deemed to be a legally and regularly organized, established and existing irrigation district within the meaning of this Act; and its due and lawful formation and organization shall not thereafter be questioned in any action, suit or proceeding whether brought under the provisions of this Act or otherwise.

**Sec. 15. Bonding.** For the purpose of constructing or purchasing or acquiring necessary reservoir sites, reservoirs, water rights, canals, ditches and works, and acquiring the necessary property and rights therefor, for the purpose of paying the first year's interest upon the bonds herein authorized, and otherwise carrying out the provisions of this Act, the Board of Directors of any such district shall, as soon after such district has been organized as may be practicable, estimate and determine the amount of money necessary to be raised for such purposes, and shall forthwith call a special election, at which election shall be submitted to the land owners of such district possessing the qualifications prescribed by this Act the question of whether or not the bonds of said district shall be issued in the amount so determined. A notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notices in some newspaper published in the county, if there be no such paper published in said county, then the

same shall be published in some newspaper having general circulation in said county, where the office of the Board of Directors of such district is required to be kept, once a week for at least three successive weeks. Such notice shall specify the time of holding the election, the amount of bonds proposed to be issued, and said election must be held and the result thereof determined and declared in all respects as nearly as possible in conformity with the provisions of this Act governing the election of officers; provided, that no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," or "Bonds—No," or words equivalent thereto. If a two-thirds majority of the landowners who are entitled to vote within said district have voted "Bonds—Yes" the Board of Directors shall immediately cause bonds in such amount to be issued and payable in series as follows, to-wit:

At the expiration of eleven years, not less than five per cent of the whole amount and number of said bonds; at the expiration of twelve years, not less than six per cent of the whole amount and number of said bonds; at the expiration of thirteen years, not less than seven per cent of the whole amount and number of said bonds; at the expiration of fourteen years, not less than eight per cent of the whole amount and number of said bonds; at the expiration of fifteen years, not less than nine per cent of the whole amount and number of said bonds; at the expiration of sixteen years, not less than ten per cent of the whole amount and number of said bonds; at the expiration of seventeen years, not less than eleven per cent of the whole amount and number of said bonds; at the expiration of eighteen years, not less than thirteen per cent of the whole amount and number of said bonds; at the expiration of twenty years, a percentage sufficient to pay off the remainder of said bonds; that the several enumerated percentages be of the entire amount of the bond issue; that each bond must be payable at the given time for its entire amount, and not for a percentage; that said bonds shall bear interest at the rate of not to exceed six per cent per annum payable semi-annually on the first day of June and December of each year. The principal and interest shall be payable at the office of the County Treasurer of the county in which the organization of the district was effected as aforesaid, and at such other place as the Board of Directors may designate in such bond. Said bonds shall be each of the denomination of one hundred dollars, nor more than five hundred dollars, shall be negotiable in form, executed in the name of the district and signed by the president and secretary, and the seal of the district shall be affixed thereto. Said bonds shall be numbered consecutively as issued, and bear date at the time of their issue. Coupons for the interest shall be attached to each bond bearing the lithographed signatures of the



president and secretary. Said bonds shall express on their face that they are issued by the authority of this Act, stating its title and date of approval. The secretary shall keep a record of the bonds sold, their number, date of sale, the price received, and the name of the purchaser. Provided, any such district may, by a two-thirds majority vote of the land owners of said district, provide for the issuance of bonds that will mature in any number of years less than twenty, and arrange for the payment thereof, in series as above provided; provided, further, that when the money provided by any previous issue of bonds has become exhausted by expenditures herein authorized therefor, and it becomes necessary to raise additional money for such purposes, that additional bonds may be issued submitting the question at special election to the qualified voters of said district, otherwise complying with the provisions of this section in respect to an original issue of such bonds; provided, also the lien for taxes, for the payment of the interest and principal of any bond issue, shall be a prior lien to that of any subsequent bond issue.

**Sec. 16. Id. Sale.** The board may sell bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction or purchase of canals, reservoir sites, reservoirs, water rights and works, and otherwise to fully carry out the objects and purposes of this Act. Before making any sale the board shall, at a meeting, by resolution declare its intention to sell a specified amount of the bonds and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given by publication thereof at least twenty days in a daily newspaper published in the City of Salt Lake, and in any other newspaper, at their discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids; but said board shall, in no event, sell any of said bonds for less than ninety-five per cent of the face value thereof. In case no bid is made and accepted as above provided the Board of Directors is hereby authorized to use said bonds for the purchase of canals, reservoir sites, reservoirs, water rights and works, or for the construction of any canal, reservoir and works; provided, such bonds shall not be so disposed of at less than ninety-five per cent of the face value thereof.

**Sec. 17. Id. How Paid.** Said bonds, and the interest thereon, shall be paid by revenue derived from an annual assessment upon the real property of the district, and the real property of the district shall be and remain liable to be assessed for such payments as herein provided.

**Sec. 18. Board to Determine Amount of Money Necessary for Ensuing Year.** It shall be the duty of the Board of Directors, on or before September first of each year, to determine the amount of money required to meet the maintenance, operating and current expenses for the ensuing year, and to certify to the County Commissioners of the County in which the office of said district is located, said amount, together with such additional amount as may be necessary to meet any deficiency in the payment of said expenses theretofore incurred.

**Sec. 19. Duty of County Assessor.** It shall be the duty of the County Assessor of any County embracing the whole or a part of any irrigation district, to assess and enter upon his records as Assessor in its appropriate column, the assessment of all real estate, exclusive of improvements, situated, lying and being within any irrigation district in whole or in part in such County. Immediately after said assessment shall have been extended as provided by law, the Assessor shall make returns of the total amount of such assessment to the County Commissioners of the County in which the office of said district is located. All lands within the district for the purposes of taxation under this Act shall be valued by the Assessor at the same rate per acre; provided, that in no case shall any land be taxed for irrigation purposes under this Act, which from any natural cause cannot be irrigated, or is incapable of cultivation.

**Sec. 20. Tax Levy to be Fixed by County Board.** It shall be the duty of the County Commissioners of the County in which is located the office of any irrigation district, immediately upon receipt of the returns of the total assessment of said district, and upon the receipt of the certificate of the Board of Directors certifying the total amount of money required to be raised as herein provided, to fix the rate of levy necessary to provide said amount of money, and to fix the rate necessary to provide the amount of money required to pay the interest and principal of the bonds of said district as the same shall become due; also to fix the rate necessary to provide the amount of money required for any other purposes as in this Act provided, and which are to be raised by the levy of assessments upon the real property of said district; and to certify said respective rates to the County Commissioners of each County embracing any portion of said district. The rate of levy necessary to raise the required amount of money on the assessed valuation of the property of said district shall be increased fifteen per cent to cover delinquencies. For the purposes of said district it shall be the duty of the County Commissioners of each county in which any irrigation district is located in whole or in part, at the time of making levy for county purposes, to make a levy, at the rates above specified,

upon all real estate in said district within their respective counties. All taxes levied under this Act are special taxes.

**Sec. 21. Duty of County Treasurer. Collection of Money. Bond Fund.**

**General Fund.** The County Treasurer of the County in which is located the office of any irrigation district, shall be and is hereby constituted ex-officio district treasurer of said district, and said County Treasurer shall be liable upon his official bond and to indictment and criminal prosecution for malfeasance, misfeasance or failure to perform any duty herein prescribed as County Treasurer or District Treasurer, as is provided by law in other cases as County Treasurer. Said Treasurer shall collect, receive and receipt for all moneys belonging to said district. It shall be the duty of the County Treasurer of each County in which any irrigation district is located in whole or in part, to collect and receipt for all taxes levied as herein provided in the same manner and at the same time, and on the same receipt as is required in the collection of taxes upon real estate for county purposes; provided, however, that such County Treasurer shall receive in payment of the general fund tax above mentioned for the year in which said taxes were levied, warrants drawn against said general fund the same as so much lawful money of the United States, if such warrant does not exceed the amount of the general fund tax which the person tendering the same owns; provided further, that such County Treasurer shall receive in payment of the district bond fund taxes above mentioned for the year in which said taxes were levied, interest coupons or bonds of said irrigation district maturing within the year the same as so much lawful money of the United States, if such interest coupons or bonds do not exceed the amount of district bonds funds tax which the person tendering the same owns. The County Treasurer of each county comprising a portion only of the irrigation district, excepting the County Treasurer of the County in which the office of said district is located, shall on the first Mondays of every month remit to the district treasurer aforesaid all moneys, warrants, coupons, or bonds theretofore collected or received by him on account of said district. Every County Treasurer shall keep a bond fund account and a general fund account. The bond fund account shall consist of all moneys received on account of interest and principal of bonds issued by said district, said accounts for interest and principal shall be kept separate. The general fund shall consist of all other moneys or general fund warrants received by the collection of taxes or otherwise. The District Treasurer aforesaid shall pay out of said bond fund, when due, the interest and principal of the bonds of said district, at the time and place specified in said bonds and shall pay out of said general fund only upon the order of the district, signed by the president and countersigned by the secretary of said district as herein provided. The Dis-

district Treasurer, on the fifteenth day of each month, shall report to the secretary of the district the amount of money in his hands to the credit of the respective funds above provided; the amount of warrants paid during the previous month, and the amount of registered warrants if there be any. All such district taxes collected and paid to the County Treasurers as aforesaid shall be received by said Treasurers in their official capacity, and they shall be responsible for the safe-keeping, disbursement and payment thereof the same as for other moneys collected by them as such treasurers; provided, said County Treasurer shall receive as his sole compensation for the collection of such taxes, such amount as the Board of Directors may allow, to be not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), which compensation shall be considered as a part of the regular salary of such county Treasurer as provided by law.

**Sec. 22. State Revenue Laws Applicable.** The revenue laws of this State for the assessments, levying and collecting of taxes on real estate for county purposes, except as herein modified, shall be applicable for the purposes of this Act including the enforcement of penalties and forfeiture for delinquent taxes.

**Sec. 23. Bids for Construction.** After adopting a plan for the construction of canals, reservoirs, and works, the Board of Directors shall give notice, by publication thereof, not less than twenty days in a newspaper published in each of the counties into which any such irrigation district extends, provided a newspaper is published therein, and in such other newspapers as they may deem advisable, calling for bids for the construction of said work or any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice; said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and the place for opening the proposals, which at said time and place shall be opened in public, and as soon as convenient thereafter the board shall let said work, either in portions, or as a whole, to the lowest responsible bidder, or they may reject any or all bids and readvertise for proposals, or may proceed to construct the work under their own superintendence. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. The person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for not less than ten per cent of the amount of the contract price, conditioned for the faithful performance of said contract. The work

shall be done under the direction and to the satisfaction of the engineer in charge, and be approved by the board.

**Sec. 24. Claims. How Paid. Warrant Register.** No claims shall be paid by the District Treasurer until the same shall have been allowed by the board, and only upon warrants signed by the president, and countersigned by the Secretary, which warrants shall state the date authorized by the board and for what purpose; and if the District Treasurer has not sufficient money on hand to pay such warrant when it is presented for payment, he shall endorse thereon "Not paid for want of funds; this warrant draws interest from date of [at] six per cent per annum," and endorse thereon the date when so presented, over his signature, and from the time of such presentation until paid such warrant shall draw interest at the rate of six per cent per annum; Provided, When there is more than the sum of one hundred dollars or more in the hands of the Treasurer it shall be applied upon said warrant. All claims against the district shall be verified the same as required in the case of claims filed against counties in this State, and the secretary of the district is hereby authorized and empowered to administer oaths to the parties verifying said claims, the same as the County Clerk or Notary Public might do. The District Treasurer shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of such warrant, to whom payable, the date of the presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in the order of their presentation for payment to the District Treasurer. All warrants shall be drawn payable to the claimant or bearer, the same as county warrants.

**Sec. 25. Tolls and Charges.** For the purpose of defraying the expenses of the organization of the district, and the care, operation, management, repair and improvement of all canals, ditches, reservoirs and works, including salaries of officers and employees, the board may either fix rates of tolls and charges and collect the same of all persons using said canal and water for irrigation, or other purposes, and in addition thereto may provide, in whole or in part, for the payment of such expenditures by levy of assessments therefor, as heretofore provided, or by both tolls and assessments; provided, that in case the money raised by the sale of bonds issued be insufficient, and in case bonds be unavailable for the completion of the plans of works adopted, it shall be the duty of the board of directors to provide for the completion of said plans by levy of an assessment therefor in the same manner in which levy of assessments is made for the other purposes provided for in this act.

**Sec. 26. Works May be Extended Across Property of Others.** The Board of Directors shall have the power to construct the said works across any stream of water, water course, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals, may intersect or cross; and if such railroad company and said Board, or the owners and controllers of said property, thing or franchise so to be crossed, cannot agree upon the amount to be paid therefor, or the points or the manner of said crossings, the same shall be ascertained and determined in all respects as is provided in respect to the taking of land for public uses. The right-of-way is hereby given, dedicated, and set apart, to locate, construct and maintain said works, or reservoirs, over, through, or upon any of the lands which are now, or may be the property of the State.

**Sec. 27. Compensation of Board of Directors.** The Board of Directors shall each receive at the rate of two and one-half dollars per day while attending meetings, and their actual and necessary expenses while engaged in official business. The salary of the Secretary shall not exceed eight hundred dollars per annum. No director or any officer named in this act shall, in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; nor shall receive any bonds, gratuity, or bribe, and for any violation of this provision, such officer shall be deemed guilty of a felony, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Penitentiary not exceeding five years nor less than one year.

**Sec. 28. No Debtor Liabilities Other than Provided in this Act Shall be Incurred.** The Board of Directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this Act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

**Sec. 29. Distribution of Water.** In case the volume of water in any canal, reservoir or other works in any district shall not be sufficient to supply the continual wants of the entire district and susceptible of irrigation therefrom, then it shall be the duty of the board of directors to distribute all available water upon certain or alternate days to different localities, as they may in their judgment think best for the interests of all parties concerned.

**Sec. 30. Diversion of Water.** Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any

river, creek, stream, canal or reservoir to the detriment of any person or persons having a prior right to the waters of such river, creek, stream, canal, or reservoirs, unless previous compensation be ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public use.

**Sec. 31. Boundaries of District May be Changed.** The boundaries of any irrigation district now or hereafter organized under the provisions of this act, may be changed in the manner herein prescribed; but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

**Sec. 32. Owners of Adjacent Land May Petition to be Included in District.** The holder or holders of title, or evidence of title, representing a majority of the acreage of any body of land adjacent to or situated within the boundaries of any irrigation district, may file with the board of directors of said district a petition in writing, praying that such lands be included in such district. The petition shall describe the tracts, or body of land owned by the petitioners, but such description need not be more particular than is required when such lands are entered by the county assessor in the assessment book. Such petition shall be deemed to give the assent of the petitioners to the inclusion in said district of the lands described in the petition, and such petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

**Sec. 33. Notice of Petition.** The Secretary of the Board of Directors shall cause notice of the filing of such petition to be given and published once each week for three successive weeks, in a newspaper published in the County where the office of said board is situated, which notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petitioners; giving notice to all persons interested to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the petition should not be granted. The time specified in the notice at which it shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioner, or petitioners, shall advance to the Secretary sufficient money to pay the estimated cost of all proceedings under such petition before the secretary shall be required to give such notice.

**Sec. 34. Id. Action Thereon.** The Board of Directors, at the time and place mentioned in said notice, or at such time or times to which the hearing of said petition may have been adjourned, shall proceed to hear the petition, and all objections thereto, presented in writing by any person, showing cause as aforesaid, why said petition should not be granted. The failure of any person interested to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to the inclusion of such lands in said district as prayed for in said petition.

**Sec. 35. Condition Upon Which Petition May be Granted.** The Board of Directors, to whom such petition is presented, may require as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated by the Board, as said petitioners of [or] their grantors would have been required to pay to such district as assessments for the payment of its pro rata share of all bonds and the interest thereon, which may have previously thereto been issued by said district had such lands been included in such district at the time the same was originally formed or when said bonds were so issued.

**Sec. 36. Id. Rejection or Granting.** The Board of Directors, if they deem it not for the best interests of the district to include therein the lands mentioned in the petition, shall by order reject the said petition, but if they deem it for the best interests of the district that said lands be included, the Board may order that the district be so changed as to include therein the lands mentioned in the said petition. The order shall describe the entire boundaries of the district with the lands so included, if the district boundaries be changed thereby, and for that purpose the Board may cause a survey to be made of such portion of such boundaries as may be deemed necessary; provided, if within thirty days from the making of such order a majority of the land owners of the district protest in writing to said Board against the inclusion of such lands in said district, said order shall be held for naught and such lands shall not be included therein.

**Sec. 37. Certified Copy of Order of Board to be Recorded.** Upon the allowance of such petition and in case no protest has been filed with the Board within thirty days after the entry of said order as aforesaid, a certified copy of the order of the Board of Directors making such change, if any, certified by the President and Secretary, shall be filed for record in the office of the Clerk and Recorder of each County in which are situated any of the lands of the district, and the district shall remain an irrigation district, as fully to every intent and purpose as if the lands which are included in the district by the change of the



boundaries as aforesaid, had been included therein at the organization of the district; and said district as so changed and all the lands therein shall be liable for all existing obligations and indebtedness of the organized district.

**Sec. 38. Secretary Shall Make Record.** Upon the filing of the copies of the order and the plat, as in the last preceding section mentioned, the Secretary shall record in the minutes of the Board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

**Sec. 39. Executor or Administrator of Estate May Sign Petition.** A guardian, executor or an administrator of an estate, who is appointed as such under the laws of this State, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may on behalf of his ward or the estate which he represents, upon being authorized by the proper court, sign and acknowledge the petition in this Act mentioned, and may show cause, as in this Act mentioned, why the boundaries of the district should not be changed.

**Sec. 40. Proceeding When Additional Land is Included.** In case of the inclusion of any land within any district by proceedings under this Act the Board of Directors shall, at least thirty days prior to the next succeeding general election, make an order redividing such district into three divisions, as nearly equal in size as may be practicable, which shall be numbered first, second and third, and one director shall thereafter be elected from each division. For the purpose of election the Board of Directors shall establish a convenient number of election precincts in said districts, and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary.

**Sec. 41. Exclusion of Land. Proceedings.** Any tract of land included within the boundaries of any such district, at or after its organization, under the provisions of this Act, may be excluded therefrom, in the manner herein prescribed, but such exclusion of land from the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatever kind or nature; nor shall such exclusion affect, impair or discharge any contract, obligation, lien or charge for or upon which it would or might become liable or chargeable, had such land not been excluded from the district.

**Sec. 42. Id.** The owner or owners of any lands constituting a

portion of any irrigation district may file with the Board of Directors of the district a petition praying that such lands may be excluded and taken from said district. The petition shall describe the lands which the petitioners desire to have excluded, but the description of such lands need not be more particular than required when lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land.

Sec. 43. *Id.* The Secretary of the Board of Directors shall cause a notice of the filing of such petition to be published for at least three weeks in some newspaper published in the county where the office of the Board of Directors is situated, and if any portion of said district lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, description of the lands mentioned in said petition, and the prayer of said petitioners; and it shall notify all persons interested to appear at the office of said Board at a time named in said notice, and show cause in writing, if any they have, why said petition should not be granted. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioner or petitioners shall advance to the Secretary sufficient money to pay the estimated cost of all proceedings under such petition before the Secretary shall give such notice.

Sec. 44. *Id.* The Board of Directors at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person showing cause as aforesaid why the prayer of said petition should not be granted. The filing of such petition with such board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof.

Sec. 45. *Id.* The Board of Directors, if they deem it not for the best interest of the district that the lands mentioned, in the petition or some portion thereof, should be excluded from said district, shall order that said petition be denied; but if they deem it for the best interest

of the district that the lands mentioned, in the petition, or some portion thereof, be excluded from the district, and if there are no outstanding bonds of the district, then the Board may order the lands mentioned in the petition, or some defined portion thereof, to be excluded from the district; provided, if within thirty days from the making of such order a majority of the land owners of the district protest in writing to said Board against the exclusion of such lands from said district, said order shall be held for naught and such lands shall not be excluded therefrom.

**Sec. 46. Id.** Upon the allowance of such petition and in case no protest has been filed with the board within thirty days after the entry of said order as aforesaid, a certified copy of the order of the Board of Directors making such change and a plat of such district showing such change, certified by the President and Secretary, shall be filed for record in the office of the Clerk and Recorder of each County in which are situated any of the lands of the district, and the district shall remain an irrigation district as fully to every intent and purpose as if the lands which are excluded by the change of the boundaries as aforesaid, had not been excluded therefrom.

**Sec. 47. Division of District.** At least thirty days before the next general election of such district the Board of Directors thereof may make an order dividing said district into three divisions as nearly equal in size as practicable, which shall be numbered first, second and third, and one director shall be elected from each division by the land owners of the whole district. For the purpose of election in such district the said Board of Directors must establish a convenient number of election precincts, and define the boundaries thereof, which said precincts may be changed from time to time, as the Board of Directors may deem necessary.

**Sec. 48. Dissolution of District. Special Election.** Whenever a majority of the resident land owners, representing a majority of the number of acres of the irrigable land, in any irrigation district organized, or hereafter to be organized, under this act, shall petition the board of directors to call a special election, for the purpose of submitting to the land owners of said irrigation district a proposition to vote on the dissolution of said irrigation district, setting forth in said petition that all bills and claims of every nature whatsoever have been fully satisfied and paid, it shall be the duty of said directors, if they shall be satisfied that all claims and bills have been fully satisfied, to call an election, setting forth the object of said election, and to cause notice of said election to be published in some newspaper in each of the counties or

county in which said district is located, for a period of thirty (30) days prior to said election, setting forth the time and place for holding said election in each of the three voting precincts in said district. It shall also be the duty of the directors to prepare ballots to be used at said election on which shall be written or printed the words: "For Dissolution—Yes," and "For Dissolution—No."

Sec. 49. *Id.* The Board of Directors shall name a day for canvassing the vote, and if it shall appear that a majority of said ballots contain the words "For Dissolution—Yes," then it shall be the duty of said Board of Directors to declare said district to be disorganized, and shall certify to the County Clerk of the respective Counties in which the district is situated, stating the number of signers to said petition. That said election was called and set for the ..... day of ..... month of ..... year. That said election was held and that so many votes (stating the number) had been cast for, and that so many votes (stating the number) had been cast against said proposition, said certificate to bear the seal of the district, and the signatures of the President and Secretary of said Board of Directors. And it shall be the duty of said respective clerks to record all such certificates in the records of the respective counties. Should it appear that a majority of the votes cast at said election were "For Dissolution—No," then the Board of Directors shall declare the proposition lost and shall cause the result and the vote to be made a part of the records of said irrigation district.

Sec. 50. **Special Proceedings.** The Board of Directors of an irrigation district organized under the provisions of this Act may commence special proceedings, in and by which the proceedings of said Board and of said district providing for and authorizing the issue and sale of the bonds of said district, whether said bonds or any of them have or have not been sold, or disposed of, may be judicially examined, approved and confirmed.

Sec. 51. **Proceedings to be Confirmed by the Court.** The Board of Directors of the irrigation district shall file in the district court of the County in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the issue and sale of said bonds, and shall state generally that the irrigation district was duly organized, and that the first Board of Directors was duly elected, but the petition need not state the facts showing such organization of the district, or the election of said first Board of Directors.

**Sec. 52. Notice of Time for Hearing.** The court shall fix the time for the hearing of said petition and shall order the Clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published for three successive weeks in a newspaper published in the county where the office of the district is situated. The notice shall state the time and place fixed for the hearing of the petition and the prayer of the petitioners, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the Board of Directors of .....irrigation district (giving its name), praying that the proceedings for the issue and sale of said bonds of said district may be examined, approved and confirmed by the court.

**Sec. 53. Demurrers.** Any person interested in said district, or in the issue of [or] sale of said bonds, may demur to or answer said petition. The provisions of the Code of Civil Procedure respecting the demurrer and answer to a verified complaint shall be applicable to a demurrer and answer to said petition. The person so demurring or answering said petition shall be the defendant to the special proceedings, and the Board of Directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer shall, for the purpose of said special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice relating to appeals and writs of error provided by the Code of Civil Procedure which are not inconsistent with the provisions of this Act are applicable to the special proceedings herein provided for.

**Sec. 54. Findings and Decree.** Upon the hearing of such special proceeding the court shall find and determine whether the notice of the filing of the petition has been duly given and published for the time and in the manner in this Act prescribed, and shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm, each and all of the proceedings for the organization of said district under the provisions of said Act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the order of the sale and the sale thereof. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings; and the

court may by decree approve and confirm such proceedings in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The costs of the special proceedings may be allowed and apportioned between the parties, in the discretion of the court.

**Sec. 55. Repeal.** That all acts in conflict herewith are hereby repealed; provided, nothing herein contained shall invalidate or affect any organization or rights existing under any act or provision so repealed.

**Sec. 56.** This Act shall take effect upon approval.

Approved March 22, 1909.

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## CHAPTER 75.

### STATE ARMORY BOARD.

An Act Creating a State Armory Board, and Constituting It a Body Corporate, Under the Name of "State Armory Board"; Defining Its Powers and Duties; Making Certain Appropriations for Its Use; Authorizing It to Erect a State Arsenal and Armory in Salt Lake City, Salt Lake County, and to Exercise the Right of Eminent Domain, and Authorizing the State Board of Land Commissioners to Loan Said Armory Board Funds for Said Purpose, and Repealing Sections 1494x, 1494x1 and 1494x2, Compiled Laws of Utah, 1907.

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

**SECTION 1. State Armory Board Created.** There is hereby created a State Armory Board, which is hereby constituted a body corporate with perpetual succession. It may have and use a corporate seal and under the name aforesaid may sue and be sued, and contract and be contracted with. It may take and hold by purchase, gift, devise or bequest, real and personal property required for its use. It may also convert property received by gift, devise or bequest, and not suitable for its uses, into other property so available, or into money. It shall be deemed a public corporation and its property shall be exempt from all taxes and assessments.

**Sec. 2. Members of Board. Powers and Duties.** The State Armory Board shall consist of the Governor, the Secretary of State and the Adjutant General. The board shall have the supervision and control of

the armories and arsenals, and of all real property held or acquired for the military purposes of the State, and power and authority to provide suitable armories and arsenals for the different organizations of the National Guard.

It shall have the power to lease suitable buildings for armory and arsenal purposes in various places throughout the State, wherever necessary for use of organizations of the National Guard, and for the storage of state and government property, for a term of years not exceeding twenty, at such rental as it may deem reasonable. It shall have the further power to take options for the purchase of any premises under lease to the State for armory and arsenal purposes at any time within the life of such lease, when it shall appear to be to the interest of the State to purchase the same, at such prices as the board and the owner of such premises may agree upon; provided, that no option shall be binding upon the State until ratified by act of the Legislature.

**Sec. 3. Appropriation.** For the use of this board, and for the purposes above mentioned, and for the purpose of paying interest on any sum borrowed by said board for the erection of armories when such erection is authorized by the Legislature, the sum of \$10,000 per annum is appropriated out of the moneys of the State Treasury, not otherwise appropriated, to be held by the Treasurer of the State as a military fund and to be by him disbursed upon the order of the board. All unexpended balances of any money appropriated by the State for military purposes for a stated period shall be turned over to the Treasurer of the State for the credit of the military fund.

**Sec. 4. Board Authorized to Purchase Ground and Erect Armory and Arsenal.** The State Armory Board is authorized, empowered and directed to purchase or otherwise acquire in the City of Salt Lake a parcel of ground, title thereto to be taken in the name of said State Armory Board, if the same be acquired by purchase, upon which an armory shall be constructed, and for that purpose is authorized to expend such sum as may be necessary for the military fund now in the hands of the State Treasurer; and the board is further authorized, empowered and directed to cause to be constructed, and equipped for occupancy upon the lands so purchased or otherwise acquired, a State armory and arsenal, the cost thereof not to exceed the sum of eighty-five thousand dollars, exclusive of the price paid for said land and exclusive of such sum as may remain in the military fund after the purchase of said land, which sums it is hereby authorized to expend in the erection of said arsenal and armory; provided, however, that if the military fund now in the hands of the State Treasurer is insufficient to purchase said parcel of ground, such additional sum as may be necessary may be used; provided, further, that the total expenditure upon said land and armory shall not exceed

the sum now in the military fund in the hands of the State Treasurer and the sum of eighty-five thousand dollars. And in order to procure funds for the erection of such armory, the said board is authorized and empowered to borrow from the State Board of Land Commissioners the sum of eighty-five thousand dollars, or such portion thereof as may be required, and to execute and deliver its promissory note therefor; and said State Board of Land Commissioners is hereby authorized and empowered to accept such note and to loan to said State Armory Board the sum of eighty-five thousand dollars, or such portion as may be required for the purpose aforesaid, for a period of twenty years at a rate of interest not to exceed five per cent per annum, to be paid quarterly, and the principal sums of said loan and all sums of accrued interest shall constitute and remain a first prior lien upon the lands and buildings herein authorized to be purchased and constructed by said State Armory Board.

**Sec. 5. If Board and Owner of Land Cannot Agree Upon Price Attorney General to Acquire Title.** Whenever the building of an armory and the acquisition of lands for such purpose is authorized by the Legislature, if the State Armory Board and the owners of the land sought to be acquired, for such purpose, are unable to agree upon the price therefor, the attorney general shall acquire the title to such property in the name of the State Armory Board, under the provisions of the Laws of Utah, relating to eminent domain, Compiled Laws of Utah, 1907.

**Sec. 6. Repeal.** Sections 1494x, 1494x1 and 1494x2, Compiled Laws of Utah, 1907, are hereby repealed.

Approved March 22, 1909.

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## CHAPTER 76.

### FEES OF SECRETARY OF STATE.

An Act Amending Section 965, Compiled Laws of Utah, 1907, Fixing the Fees to be Charged by the Secretary of State.

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

**SECTION 1. Section Amended.** That Section 965, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**965. Fees of Secretary of State.** For a copy of any law, resolution,



record, or other document, or paper on file in his office, 15c. per folio.

For affixing certificate and seal of State, \$1.

For receiving and filing each original or certified copy of articles of incorporation, he shall charge and collect the sum of 25c. on each \$1,000 of capital stock of any company or corporation; provided, that the same sum shall be charged and collected for receiving and filing certified copies of articles of incorporation or of amendments increasing the capital stock of foreign corporations complying with the provisions of Section 351, Compiled Laws of Utah, 1907. No fee shall be charged for filing certified copy of articles of incorporation organized not for pecuniary profit, nor for filing certified copies of articles of incorporation of any water users' association which is organized in conformity with the requirements of the United States under the reclamation act of June 17, 1902, and which under its articles of incorporation is authorized to furnish water only to its stockholders.

For filing each certified copy of an amendment to articles of incorporation increasing the capital stock of any corporation, and issuing certificates thereof, 25c. for each \$1,000 of increase of such capital stock.

For filing each certified copy of other amendments to articles of incorporation, and issuing certificate thereof, \$5.

For receiving and filing articles of incorporation and by-laws of foreign corporations not included in the proviso to the third subdivision above, \$25.

For issuing each certificate of incorporation, \$5.

For issuing certificates of compliance on the part of a foreign corporation, \$5.

For issuing each certificate of incorporation not organized for pecuniary profit, \$1.

For receiving and recording each official bond, \$2.

For each commission signed by the Governor, \$5; provided, that no charge shall be made for commissions for public officers, serving without compensation.

For filing each trade mark, \$3.

For filing each annual statement of insurance company, \$25.

For filing notice of appointment of agent, \$5.

For filing each annual tax statement of insurance company, \$2.

For issuing certificate of authority to each agent or solicitor of insurance company, \$5.

For certificate of renewal of authority to agent or solicitor of insurance company, \$2.

For issuing certificate of authority to each insurance company, \$5.

For filing list of authorized attorneys for each insurance company, \$1.

For preparing abstract of annual statement of each insurance company and certifying same, \$5.

For filing annual statement of each building and loan association, \$5.

For issuing certified copy of annual statement of building and loan association, \$2.

For issuing certificate of authority to building and loan association, \$3.

For filing and certifying private banker's preliminary statement, \$25.

For filing each quarterly statement of each bank, and issuing a certified copy thereof, \$5.

For receiving and filing an acceptance of the provisions of the constitution on the part of an incorporated company and issuing certificate thereof, \$3.

For each warrant of arrest issued by the Governor and attested by the Secretary of State upon the requisition of any other state or territory, \$5.

For recording miscellaneous records, papers, or other documents, 20c. per folio.

For filing any paper or document not otherwise provided for, \$5.

For searching records and archives of the State, \$1; provided, that no member of the Legislature or other state or county officer shall be charged for any search relative to matters appertaining to the duties of his office or for a certified copy of any law or resolution passed by the Legislature and relative to his official duties.

The Secretary of State is expressly forbidden to issue a certified copy of the certificate of incorporation, or a certified copy of the articles of incorporation of any company, either foreign or domestic, unless it is shown by the records of his office that such company has paid all annual State licenses and penalties due from such company as required by law.

Approved March 22, 1909.

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## CHAPTER 77.

### ALASKA-YUKON-PACIFIC EXPOSITION.

An Act Creating a Commission to Provide for the Display of Utah's Resources at the Alaska-Yukon-Pacific Exposition at Seattle, Washington, in the Year 1909; to Define its Duties and Powers, to make an Appropriation Therefor.

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

**SECTION 1. Commission Created. Vacancies to be Filled by the Governor.** That for the purpose of advertising the resources of this State, the State of Utah shall participate in the Alaska-Yukon Pacific Exposition, at Seattle, Washington, in the year 1909, and for that purpose a Commission, to be known as the Alaska-Yukon-Pacific Exposition Commission, is hereby created, to be composed of the Governor and six members to be appointed by the Governor, by and with the advice and consent of the Senate.

The Governor shall be the chairman of such commission, and a secretary and treasurer shall be appointed by the Commission, the treasurer to be appointed from the members thereof.

Any vacancy occurring in such commission shall be filled by appointment by the Governor.

**Sec. 2. Oath. Bond of Treasurer.** Before entering upon the duties

of their offices, the members, except the Governor, shall take the constitutional oath of office, and the treasurer shall give a bond in the sum of \$20,000, such bond to be approved by the State Board of Examiners, and thereupon filed with the Secretary of State.

**Sec. 3. Powers and Duties.** The said commission shall have full power to devise and execute plans for the display of such exhibits from the State of Utah as may, in the opinion of the Commission, be advisable to represent the resources and advantages of the State; to secure, encourage and aid exhibitors to make exhibits from this State at such exposition, and shall have control of such exhibits and the general direction of all matters connected therewith, and may adopt rules for carrying into effect the purpose of this Act and the plans of said commission.

**Sec. 4. Id.** The Commission is hereby authorized to provide, upon the grounds of said exposition, a suitable building for the State of Utah for any purpose deemed necessary, or may unite with other States in the construction of a building to be used in common.

**Sec. 5. Employees. Building and Expenses Not to Exceed Appropriation.** The Commission is hereby authorized to engage such employees as may be necessary for the securing, arranging, transportation and display of exhibits and for the erection, maintenance and management of the building herein provided for; provided, however, that the construction of said building and the expense of such exhibit shall in no case exceed the amount appropriated in this Act.

**Sec. 6. Members Shall Serve Without Compensation. Expenses.** The members of the Commission shall serve without compensation, but shall be allowed their necessary expenses while actually engaged in the work of the Commission which shall be paid upon vouchers approved by the Commission out of the appropriation hereinafter made.

**Sec. 7. Funds. How Drawn.** The Treasurer of the Commission shall from time to time, as the funds may be required to carry out the provisions of this Act, present estimates to the Commission, and if approved by the Commission, the chairman thereof shall so certify to the State Auditor and make requisition for the amount of the estimate, and the Auditor shall thereupon draw his warrant in favor of the Treasurer of the Commission for the amount of such estimate.

**Sec. 8. Payments. How Made.** All payments for the expenditure of the Commission shall be made by the treasurer thereof upon orders issued and countersigned by the chairman of the Commission.

The treasurer shall take and retain complete vouchers of all expen-

ditures, and no orders shall be issued upon the treasurer until proper vouchers for the same have been approved by the Commission or a committee thereof.

**Sec. 9. Shall File Monthly Reports of Receipts and Disbursements. Report.** The Commission shall file with the State Auditor monthly reports of its receipts and disbursements, accompanied with properly and fully itemized vouchers of all expenditures, which reports shall be duly verified by the oath of the treasurer of the Commission.

Upon the conclusion of its services the commission shall make to the Governor a complete report of its proceedings under this Act, and if any money remains unexpended, the same shall be recovered into the State Treasury.

**Sec. 10. Appropriation.** The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose of carrying into effect the provisions of this Act; provided, that the sum of two thousand dollars or the balance thereof remaining unexpended from the appropriation made in Chapter 124, Session Laws of Utah, 1907, is hereby made applicable to the purpose of carrying into effect the provisions of this Act and shall be expended in the same manner as the appropriation provided for in this Act.

**Sec. 11. Disposition of Exhibits.** At the close of said Exposition all exhibits belonging to the State of Utah shall be carefully preserved by the Commission and returned to the State of Utah and delivered to the Secretary of State, and to be subject to the disposal of the State Board of Examiners.

Provided, that in the judgment of said commission any exhibit may be sold and the proceeds of such sale recovered into the State Treasury.

**Sec. 12.** This Act shall take effect upon approval.

Approved March 22d, 1909.

## CHAPTER 78.

## ADULT BLIND.

An Act to Create the Utah Commission for the Adult Blind and Prescribing the Powers and Duties Thereof, and Making an Appropriation to be Expended by the Said Board for the Objects and Purposes for Which the Same is Created.

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

**SECTION 1. Utah Commission for the Adult Blind Created. Terms. Oath. Bond.** That there is hereby created a State Board to be known as the Utah Commission for the Adult Blind, which shall consist of five trustees, the Governor to be president of said board, the four other members to be appointed by the Governor, by and with the consent of the Senate. Two of the trustees first appointed shall serve for two years, and two for four years, and until their successors are duly appointed and qualified. At the expiration of the term of office of any trustee, his successor shall be appointed by the Governor with the advice and consent of the Senate, for the term of four years. Each member of the board, before entering upon the duties of his office, shall subscribe to the constitutional oath and execute a bond to the State, with sureties to be approved by the Secretary of State, in the penal sum of Five Thousand Dollars conditioned for the faithful discharge of his duties. The oath and bond shall be delivered to the Secretary of State.

**Sec. 2. Shall be Deemed a Corporation.** By the aforementioned name the said commission may sue and be sued, contract and be contracted with, may take and hold by purchase, gift, devise or bequest, real and personal property for its uses. It may also convert property received by gift, devise or bequest and not suitable for its use into other property so available or into money. It shall be deemed a public corporation and its property shall be exempt from all taxes and assessments.

**Sec. 3. Compensation. Expenses.** No member of the Board shall receive any compensation for his services as such member; but may be paid his actual expenses incurred in attending meetings of the Board or its committees, or attending to any business thereof under the authority of the Board or of its committees.

**Sec. 4. May Adopt Rules and Regulations. Powers and Duties.** The Board may adopt by-laws, and from time to time repeal or amend them, and may therein provide for regular and special meetings of the Board and for the distribution of its business to committees. It may make

such rules, in accordance with law, as it may deem proper, in the furtherance of the objects hereby committed to its charge. It may employ such instructors and assistants as in its judgment may be necessary and fix their compensation. All contracts made with instructors and employees shall be subject to termination at any time, at the will of the Board, when in its judgment the public interest shall require it. No partisan, political or religious belief shall be required as a qualification of any beneficiary or of any instructor, officer or employe of the said board.

**Sec. 5. Id. Care of Adult Blind.** The duties and powers of the Commission shall be: To prepare and maintain a register of the adult blind in Utah, which shall contain such facts as the Commission may deem important; to establish, equip and maintain, at such place or places within the State as it may deem expedient, one or more workshops for the industrial training and employment of the adult blind; to maintain a bureau of information, the object of which shall be to assist in the finding of employment and in the development of home industries for the adult blind; to furnish material and tools to adult blind persons either in their homes or in the workshop to be maintained by the Board; and to assist adult blind persons in the marketing of their handiwork and products. The Commission, in furtherance of the purpose of this Act, may provide for temporary lodgings and temporary support for any adult blind person engaged at any workshop established by it, but shall not undertake the permanent support or maintenance of any blind adult person; and shall seek to ameliorate the condition of the adult blind by promoting visits among the aged or helpless adult blind in their homes, and by such other methods as it may deem expedient. The Commission may receive in the workshop established by it, adult blind persons from other States, upon the payment of such fees as the Commission shall determine. The Commission shall file a report annually, in the month of December, with the Governor covering a statement of receipts and expenditures, the condition of the several workshops under its charge, the number of beneficiaries doing work at their own homes, and such other matters touching the objects of its creation as they may deem proper, the annual report must be verified by the oath of the president of the Board of Trustees.

**Sec. 6. Adult Blind Defined.** The term adult blind, as used in this Act shall be construed to mean only blind persons of the age of twenty-one years or over.

**Sec. 7. Appropriation.** The sum of \$4,000.00 is hereby appropriated from any moneys in the treasury, not otherwise appropriated. The Commission is also authorized to solicit and receive donations, bequests

and endowments, the same and said appropriation to be used by the said commission in carrying out the provisions of this Act.

Approved March 22d, 1909.

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## CHAPTER 79.

### CANVASS OF BALLOT'S CAST AT BOND ELECTION.

An Act Amending Section 1944, Compiled Laws of Utah, 1907, Relating to the Canvass of the Ballots Cast at a Bond Election, Making Returns Thereof, Filing Statements Relating Thereto in the County Clerk's Office, Issuing Bonds and Providing a Tax for Interest Thereon and Redemption Thereof, and Limiting the Amount of Bonds That may be Issued.

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

**SECTION 1. Section Amended. Redemption and Interest.** That Section 1944, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

1944. **Canvass of Returns. Issue of Bonds.** Immediately after the closing of the polls, the persons appointed to conduct the same shall proceed to count and canvass the ballots cast at such election, and make returns thereof to the Board of Education; and said Board shall, within five days after said election, meet and canvass said returns, and if a majority of the ballots cast at said election are in favor of issuing such bonds, then the Board shall cause an entry of that fact to be made upon its minutes, and shall, before issuing such bonds, file with the clerk of the county, in which such school district is situated a certified copy of the order of the Board of Education, and certified copies of the notices published or posted, calling such election, with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by the law and the order of the Board of Education. The Board shall also file with said clerk a statement showing the number of inhabitants and the value of taxable property in the district; that the amount of bonds proposed to be issued, including existing indebtedness, does not exceed three per cent of the value of taxable property in the district; that the election at which the question of issuing bonds was submitted and lawfully called and held; that all proceedings in relation to the proposed issue of bonds in said district were lawfully conducted, and that such bonds may be lawfully issued; and thereupon said Board of Education shall be and is hereby authorized and directed to issue the bonds of such district in any amount not ex-



ceeding the number and amount voted for at such election. The money for the redemption of said bonds, and the payment of interest thereon as it shall become due, shall be raised by taxation upon the taxable property of said district; provided, that the total amount of bonds issued, including existing indebtedness, shall not exceed three per cent of the taxable property of the district as shown by the last equalized assessment roll for city purposes, prior to issuing such bonds. No election shall be void because the amount of bonds authorized at such election exceeded the statutory limitation at the time of holding the election, but the bonds may be issued in accordance with such authorization, in any amount within the limitations fixed by law, at the time the bonds are issued.

Sec. 2. This Act shall take effect upon approval.

Approved March 22d, 1909.

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## CHAPTER 80.

### EMPLOYMENT OF CITIZENS OF THE UNITED STATES ON PUBLIC WORKS.

An Act Relating to the Employment of Citizens of the United States on Public Works.

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

SECTION 1. In employing workmen in or on the construction of public works by the State, County or Municipality or by persons contracting with the State, County, or Municipality, preference shall be given citizens of the United States, or those having declared their intentions of becoming citizens. In each contract for the construction of public works the provisions shall be inserted to the effect that if the provisions of this Section are not complied with the contract shall be void.

Approved March 22d, 1909.

## CHAPTER 81.

## USURIOUS INTEREST.

An Act to Amend Section 1241x1, Compiled Laws of Utah, 1907, Prohibiting the Taking of Usurious Interest and Providing a Penalty Therefor.

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

**SECTION 1. Section Amended.** That Section 1241x1, Compiled Laws of Utah, 1907, be amended to read as follows:

1241x1. **Id. Penalty.** No person, association or corporation shall directly or indirectly take or receive any money, goods or things in action, or in any other way, any greater sum or greater value for the loan or forbearance of any money, goods or things in action, than is prescribed in Section 1241x, Compiled Laws of Utah, 1907. Any person, association or corporation, their or its agents, servants, employees, clerks or attorneys, violating any of the provisions of this Section is guilty of a misdemeanor.

Approved March 22d, 1909.

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CHAPTER 82.

## STATE DAIRY AND FOOD BUREAU.

An Act Creating a State Dairy and Food Bureau, Defining its Duties and Powers, and Making an Appropriation for the Purpose of Carrying out the Provisions of this Act.

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

**SECTION 1. State Dairy and Food Bureau Created. Membership. Terms. Expenses. Report.** There is hereby created a State Dairy and Food Bureau which shall consist of five resident citizens of the State. The State Chemist, and the State Dairy and Food Commissioner shall be members of the said Board; and three members shall be appointed by the Governor of the State on or before the first day of April, 1909, as follows: One member of this Bureau shall be a practical manufacturer of dairy food products; one member shall be a merchant engaged in the sale of food products, and one member shall be a non-producer of food products. Members of this Bureau shall hold office for the period of four years and until their successors are appointed and qualified; pro-

vided, that the first members appointed under this Act shall be appointed for terms, so that their terms shall expire in one, two and three years respectively. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members of said Bureau shall serve without compensation, but shall receive their actual and necessary traveling expenses, and within twenty days after their appointment shall take the oath of office as required by the Constitution; and they shall thereupon meet and organize by electing a chairman, secretary and treasurer. Any one of them may be removed by the Governor for neglect or violation of duty. They shall make report in detail to the Legislature not later than the first day of December next, preceding the meeting thereof.

**Sec. 2. Duties of Bureau.** It shall be the duty of the State Dairy and Food Bureau to formulate and prescribe such rules and regulations for the operation of creameries, butter and cheese factories, dairies, slaughter houses, confectioneries, bakeries, hotels, fruit and vegetable canneries, flour mills, farm dairies, or any other factory, establishment, store or house where dairy or food products of whatsoever nature are bought, sold, manufactured, or prepared, or stored or exposed for sale for public use, as shall be deemed necessary by such Bureau to fully carry out the provisions of the Act, and all laws now in force or that may be enacted relative to dairy and food products, and for the promotion and maintenance of the public health and safety, and for prevention of false grades, weights and measures and also for advancing the value of Utah food and dairy products. Such rules and regulations shall conform as near as may be to the rules and regulations that have been or shall be promulgated by the Agricultural Department of the United States under and by the authority of a law known as the Pure Food and Drug Act of June 30, 1906, as well as an Act of Congress, approved June 30, 1906, governing meat inspection. The Dairy and Food Commissioner shall execute the rules and regulations of the Bureau, and the Bureau shall provide him with deputies, agents, and such assistants as may be deemed necessary from time to time. It being the object of this law to protect the consumer of food products against fraudulent, unwholesome and adulterated food; and for the promotion and maintenance of the public health and safety, and it shall be the duty of this Bureau to promote improvements in dairy and food products, and educate the producer in the care of all dairy and food products and their economical production.

**Sec. 3. Penalty.** Any person violating any provisions of this Act or any rule or regulation of the Dairy and Food Bureau shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$25.00 nor more than \$200.00.

**Sec. 4. Appropriation.** For the purpose of carrying into effect the provisions of this Act, there is hereby appropriated out of the State Treasury the sum of \$2,750.00 for the fiscal year of 1909, and \$2,750.00 for the fiscal year of 1910, or so much thereof as may be necessary. Said payments to be made as provided by statute.

Approved March 22d, 1909.

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## CHAPTER 83.

### STATE BACTERIOLOGIST AND PATHOLOGIST.

**An Act Creating the Position of State Bacteriologist and Pathologist, and Defining His Duties, and Providing for a State Public Health Laboratory and Its Location.**

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

**SECTION 1. Position Created.** The position of State Bacteriologist and Pathologist is hereby created.

**Sec. 2. State Bacteriologist and Pathologist Designated. Deputy.** The Professor of Bacteriology and Pathology of the University of Utah, in addition to his duties in connection with that institution, is hereby designated as and declared to be State Bacteriologist and Pathologist. The State Bacteriologist and Pathologist may have at least one deputy or assistant for whose actions the State Bacteriologist shall be responsible.

**Sec. 3. Laboratory.** The Bacteriological and Pathological Laboratory at the University of Utah, in addition to being a department of that institution, is hereby designated and declared to be a State Public Health Laboratory, which laboratory shall be under the control and regulation of the State University of Utah, through the State Bacteriologist and Pathologist, who shall be director of the said public health laboratory.

**Sec. 4. Duties.** It shall be the duty of the State Bacteriologist and Pathologist to make all necessary investigations pertaining to public health within his department, and to examine and analyze all substances submitted to him by the State Board of Health, its members or officials, and to make such report thereon as the said Board may direct. County and Municipal Boards of Health or individuals desiring the services, cooperation or assistance of the State Bacteriologist or Pathologist are

hereby directed to make application to the Secretary of the State Board of Health for such services, co-operation or assistance.

Approved March 22, 1909.

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## CHAPTER 84.

### AUTHORIZING ERECTION OF ARMORY AND ARSENAL ON CAPITOL GROUNDS.

An Act Authorizing the State Board of Examiners to Set Apart a Portion of the Capitol Grounds for the Use of the National Guard of Utah, and Authorizing the State Armory Board to Construct an Armory and Arsenal Thereon.

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

SECTION 1. That the State Board of Examiners is hereby authorized and empowered to set apart such portion of the State Capitol grounds as may be necessary, and which will in no wise interfere with the erection of a State Capitol, for the use of the National Guard of Utah and for the construction of an armory and arsenal thereon.

Sec. 2. That the State Armory Board is hereby authorized and empowered to erect upon the ground set apart under the provisions of Section 1 of this Act a State Armory and Arsenal for the use of the National Guard of Utah, provided they shall deem such location the most available and suitable for such purpose.

Sec. 3. This act to take effect upon approval.

Approved March 22, 1909.

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## CHAPTER 85.

### UTAH ART INSTITUTE.

An Act to Amend Sections 2098x1, 2098x2, 2098x16 and 2098x17, Compiled Laws of Utah, 1907, in Relation to the Utah Art Institute and Annual Prizes to be Paid for Paintings and Making an Appropriation Therefor.

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

SECTION 1. Sections Amended. That Sections 2098x1, 2098x2,

2098x16 and 2098x17, Compiled Laws of Utah, 1907, be, and the same are hereby amended to read as follows:

2098x1. **Governing Board.** There shall be appointed by the Governor by and with the consent of the Senate, a governing board of the Institute consisting of three members.

2098x2. **Terms.** The members of the governing board shall be appointed for the term of two years.

2098x16. **Annual Prize.** At each annual exhibit, a prize of \$300 shall be offered by the State to be paid out of the State funds for the best original painting by a Utah resident artist which has been accepted for competition by the exhibition committee. All prizes, medals, and diplomas shall be awarded by the Governor upon a popular vote of the exhibitors at any annual exhibit, each exhibitor being entitled to one vote for each prize, medal or diploma. Such election shall be held under rules prescribed by the governing board. The Governor shall award the prize to the exhibitor receiving the highest vote or if there be a tie vote, then the Governor shall award the prize to one of the parties receiving the highest vote. The painting for the \$300.00 prize, shall upon the payment of the prize by the Institute to the author, become the property of the Art Institute. All works of art acquired by the Art Institute in this way, and those tendered by honorary members or patrons of said institute, shall, upon acceptance, be turned over to the Committee of State Art Collection. Said art collection shall be held as property of the State under control of the Art Institute. The Art collection in whole or in part may be loaned for exhibition purposes out to different parts of the State, according to rules and regulations prescribed by the governing board.

2098x17. **Funds. How Expended. Appropriations.** All moneys received by this Board may be applied or expended in the furtherance of the Art interest of the State as ordered by the governing board. A sum of two thousand (\$2,000) dollars per annum is hereby appropriated to the Utah Art Institute from the State fund, \$1,000.00 of which shall be used to defray the expenses of the Art Institute in its lectures, exhibitions and prizes, and the other \$1,000.00, together with the moneys raised by popular subscription and for membership fees, shall be expended for works of art. At least one-half to be paid for the works of Utah resident artists who have resided at least five years in the State. Said works may be original or copies from works of artists of great reputation. The remainder of said sum shall be expended for non-resident artists' work. Said works must be original. All works purchased must be submitted to a committee of at least seven artists, five of whom must

have studied in some accredited school of art at least eighteen months, or must have exhibited in at least one of the principal exhibitions of the United States or Europe.

Approved March 22d, 1909.

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## CHAPTER 86.

### DISPOSITION OF LAND FUNDS, INTEREST AND RENTALS.

An Act Amending Section 2357x, Compiled Laws of Utah, 1907, Relating to the Disposition of Money Derived from the Investment of Land Grant Fund.

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

**SECTION 1. Section Amended.** That Section 2357x of the Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

**2357x. Interest and Rentals.** Whenever the State Board of Examiners shall so direct, the interest derived from the investment of funds belonging to the State School Fund, or the respective State institutions, together with all moneys received from rentals, shall from time to time, upon proper requisition therefor, be used for the maintenance of the common schools, or said institutions; and whenever the board shall order the use of said funds, or any portion thereof, it shall notify the State Auditor of such order and the State Auditor shall thereupon credit the amount to the maintenance account of the common schools, or said institutions, and the funds so credited to the maintenance of said institutions shall be drawn in the manner provided by law for the withdrawal of funds appropriated by the Legislature for the maintenance of said institutions.

**Sec. 2.** This act shall take effect upon approval.

Approved March 22, 1909.

## CHAPTER 87.

## APPEALS.

An Act to Amend Section 686x17, Compiled Laws of Utah, 1907, Relating to and Providing for Appeals from City Courts to District Courts and from District Courts to the Supreme Court in Certain Cases.

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

SECTION 1. Section Amended. That Section 686x17, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

686x17. Motion for New Trial. Appeal. From all final judgments of a City Court a motion for a new trial may be made, and an appeal may be taken by either party in a civil case, or by the defendant in a criminal case, to the District Court of the County, in the manner and with like effect as is now or may be provided by law for appeals from Justices' Courts in similar cases, and from all final judgments in the District Courts, rendered upon such appeals, an appeal may be taken to the Supreme Court in like manner as if said actions were originally commenced in the District Court; provided, however, when the amount in controversy does not exceed one hundred dollars, exclusive of costs, that the same shall be final, and no appeal shall lie therefrom; and, provided further, that in all cases involving the validity or constitutionality of a statute or ordinance there shall be a right of appeal to the Supreme Court; and provided further, that, the state in state cases, and the city in cases arising under the city ordinances, shall have the right to appeal to the district court in like manner, and upon the same grounds as now provided by chapter 41 of the code of criminal procedure for appeals, in cases arising in the district court.

Approved March 22, 1909.

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CHAPTER 88.

## RELATING TO HOUSES OF ILL-FAME.

An Act to Amend Section 4251, Compiled Laws of Utah, 1907, Relating to Owning or Renting Buildings, Keeping, Residing In, or Resorting to Houses of Ill-Fame.

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

SECTION 1. Section Amended. That Section 4251 of the Compiled



Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

**4251. Keeping, Residing in, Resorting to, Owning or Having Control of House of Ill-Fame.** It shall be unlawful for any person within the limits of the State of Utah:

a. To keep a house of ill-fame resorted to for the purpose of prostitution or lewdness; or to wilfully reside in such house; or to resort thereto for lewdness; or,

b. To be the owner of any building or tenement, the whole or any part of which is used for any of the purposes mentioned in the first subdivision of this section;

c. Or to have control of such building or tenement as agent, guardian or lessee of such owner; after written notice to such owner, agent, guardian or lessee that such building or tenement is being used for the purposes mentioned in sub-division a;

d. To let any building or tenement, knowing that the lessee intends using the same, or any part thereof, for any of the purposes mentioned in the first subdivision of this section; or to harbor or keep about his or her premises any person known to be guilty of following a lewd course of life.

**Sec. 2. Penalty.** Any person violating any of the provisions of this Act shall be punished by a term of imprisonment in the county jail which shall not be less than three months nor more than one year. Any corporation violating any of the provisions of this chapter shall be punished by a fine which shall not be less than \$1,000 nor more than \$10,000:

Approved March 22, 1909.

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## CHAPTER 89.

### COUNTY COMMISSIONERS.

An Act to Amend Section 511 of the Compiled Laws of Utah, 1907, Relating to County Commissioners.

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

**SECTION 1. Section Amended.** That Section 511 of the Compiled

Laws of Utah, 1907, shall be, and the same is hereby amended so that the same shall read as follows:

**511. Powers of Board.** The Board of County Commissioners in each county has jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. **Divide County.** To divide the county into precincts and into road, sanitary, and other districts required by law; to change the same and create others, as convenience requires.

2. **Election and Election Districts.** To establish, abolish, and change election districts, appoint inspectors and judges of election, canvass all election returns, except as otherwise provided by law, declare the result, order the County Clerk to issue certificates of election, and perform such other duties in relation to elections as are or may be prescribed by law; provided, that no precinct or election district shall be established or abolished or the boundaries of any precinct or district changed, within ninety days prior to any election; provided further, that no election district shall be divided between two or more precincts or municipal wards.

3. **Supervise County Officers.** To supervise the official conduct of all County Officers and officers of all precincts, districts, and other subdivisions of the County (except municipal corporations); see that they faithfully perform their duties; direct prosecutions for delinquencies; and, when necessary, require them to renew their official bonds, make reports, and present their books and accounts for inspection.

4. **Audit Accounts.** To examine and audit, at least every six months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or appropriated by law or otherwise for its use and benefit.

5. **Fill Vacancies.** To fill, by appointment, all vacancies that may occur in offices filled by the appointment of the Board of County Commissioners; and vacancies in all elective County, District, or Precinct offices, except as otherwise provided by law, the appointee to hold office for the unexpired term.

6. **Establish Funds.** To establish a salary fund and such other county funds as the Board may deem necessary for the proper transaction of the business of the county, and to transfer money from one fund to another, as the public interest may require.

7. **Settle Accounts.** To settle and allow all accounts legally chargeable against the County, after the examination of the same by the County Auditor, and order warrants to be drawn on the County Treasurer therefor.

8. **Control Suits.** To control and direct the prosecution and defense of all suits to which the County is a party, and, when necessary, to employ counsel to assist the County Attorney in conducting the same.

9. **Seal for County Clerk.** To adopt a seal for the County Clerk, the impression of which shall contain the following words: "State of Utah, County Clerk," together with the name of the County in which the same is to be used, an impression whereof must be filed in the office of the County Clerk and of the Secretary of State.

10. **Seal for District Court Clerk.** To provide a seal for the Clerk of the District Court of the County, the impression of which shall contain the following words: "District Court, State of Utah," together with the name of the County, an impression whereof must be filed in the office of the County Clerk and of the Secretary of State.

11. **Licenses.** To license for purposes of regulation and revenue, all and every kind of business, not prohibited by law, transacted and carried on in such County, and all shows, exhibitions, and lawful games carried on therein, outside the limits of incorporated cities, to fix the rates of license tax upon the same, and to provide for the collection thereof, by suit or otherwise; provided, that any person who is unable to obtain a livelihood by manual labor, and who is deemed worthy, may be given the privilege to hawk, peddle, and vend any goods, wares, and merchandise, except spirituous, malt, vinous, or other intoxicating liquors, without payment of any license, tax, or fee whatsoever.

12. **Destruction of Pests.** To provide for the destruction of gophers, or squirrels, or other wild animals, birds, noxious weeds, and insects, injurious to fruit, fruit trees, vines, vegetables or plant life.

13. **Prevention of Injuries to Cattle or Sheep by Dogs, and to Tax Dogs.** To provide for the prevention of injuries to cattle or sheep by dogs, and to tax dogs, and direct the application of the tax.

14. **Protect Fish and Game.** To make regulations for the protection of fish and game; provided, that such regulations shall not be in conflict with the laws of the state for the protection thereof.

15. **Provide Work for Prisoners.** To provide for the working of

prisoners confined in the County Jail under judgment of conviction of misdemeanor, under the direction of some responsible person, upon public grounds, roads, streets, alleys, highways, or public buildings, for the benefit of the county, when, under such judgment of conviction, or existing laws, said prisoners are liable to labor.

16. **Inspection of Merchandise.** To provide for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity, and to appoint the necessary officers therefor.

17. **Encourage Tree Planting.** To encourage, under such regulations as it may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding twenty-five cents.

18. **Attendance of Sheriff.** To direct the Sheriff to attend in person or by deputy, all the meetings of the Board to preserve order, serve notices, subpoenas, citations, or other process.

19. **Enforce Police Regulations.** To make and enforce within the limits of the County, outside the limits of incorporated cities and towns, all such local, police, sanitary, and other regulations as are not in conflict with general laws.

20. **Storage of Explosives.** To adopt such rules and regulations within the County, outside the limits of incorporated cities and towns, with regard to the keeping and storing of every description of gunpowder, or other combustible or explosive material, as the safety and protection of the lives and property of individuals may require.

21. **Examination of Engineers.** To provide for the examination, regulation and licensing of stationary engineers, and of others having charge or control of stationary engines, boilers, or steam generating apparatus within the County.

22. **Perform Other Acts.** To do and perform all other acts and things required by law not in this title enumerated which may be necessary to the full discharge of the duties of the Board.

23. **Cities and Towns Not Affected.** Nothing contained in this title is intended to diminish, impair, or in any wise affect the powers conferred upon incorporated cities or towns.

24. **Maintain Roads and Bridges.** To lay out, maintain, control, erect, and manage public roads, turnpikes, ferries, and bridges within the County outside of incorporated cities; provided, that the Board shall not change or alter the location of any public highway that has had public money or poll tax expended upon it, unless a petition signed by a majority of the free-holders of the precinct wherein such change is proposed ask for such change; nor shall the Board declare any road not a public highway that has had money appropriated and expended upon it by act of the Legislature of the Territory or of the State of Utah, without the consent of the Legislature.

25. **Grant Franchises.** To grant franchise along and over the public roads and highways for all lawful purposes, upon such terms, conditions, and restrictions as in the judgment of the Board may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public, but such permission shall not be for a longer period than fifty years.

26. **Grant Licenses for Toll Roads.** To grant, on such terms, conditions, and restrictions as in the judgment of the Board may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in its judgment the expense of operating or maintaining such roads or highways as free public highways is too great to justify the County in operating or maintaining them; provided, that it shall always be a condition attached to the granting of such licenses and franchises that such roads and highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

27. **Highways.** To enact all laws, ordinances, and regulations not in conflict with the laws of the State, for the control, construction, alteration, repair, and use of all public roads and highways in the County outside of incorporated cities, and for the prevention of the waste of water flowing from artesian wells in the County.

28. **Construction and Repair of Roads.** To grant licenses and franchises for constructing and keeping in repair roads, bridges, and ferries, and for the taking of tolls thereon.

29. **Franchises for Ferries.** All persons, companies, or corporations who own any toll boat or ferry, for the transportation of persons, wagons, or live stock across any stream, river, or body of water in this State, shall obtain a franchise for the operation of the same from the County Commissioners of the County or Counties in which such boat or ferry is operated. Whenever such boat or ferry is operated on

a stream or body of water forming the boundary line between two adjoining Counties, a joint franchise shall be obtained from the County Commissioners of such adjoining Counties.

**30. Purchase Property and Water Rights.** To purchase, receive by donation, or lease any real or personal property or water rights necessary for the use of the County; to purchase or otherwise acquire the necessary real estate upon which to sink wells to obtain water for sprinkling roads and for other County purposes, and to erect thereon pumping apparatus, tanks, and reservoirs for the obtaining and storage of water for such purposes; and to preserve, take care of, manage, and control the same; provided, that no purchase of real property may be made unless a notice of the intention of the Board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the Board will meet to consummate such purchase, shall be published for at least three weeks in some newspaper of general circulation published in the County, or, if no newspaper be published in the County, then by posting such notices, in at least five public places in the County, for at least three weeks prior to the time when the Board will meet to consummate such purchase.

**31. Receive Grants and Donations.** To receive from the United States or other sources, lands and other property granted or donated to the County for the purpose of aiding in the erection of County buildings, roads, bridges, or for other specific purposes, to use the same therefor, and to provide for sale of the same and the application of the proceeds thereof.

**32. Erect Public Buildings.** To cause to be erected, repaired, or rebuilt, and furnished, a courthouse, jail, hospital, and such other public buildings as may be necessary.

**33. Provide Rooms.** To provide suitable rooms for County purposes when there are no suitable County buildings.

**34. Insure Property.** To insure the County buildings and furniture in the name of and for the benefit of the County.

**35. Sell Unnecessary Property.** To sell at public auction at the courthouse door, after thirty days' previous notice given by publication in a newspaper published in the County, or, if no paper is published in the County, by posting in five public places in the County, and convey to the highest bidder for cash, any property belonging to the County no longer required for public use, paying the proceeds into the County Treasury for the use of the County.

**36. Auditor's Statement Prior to Levy.** To have prepared by the Auditor, under the direction of the Board and prior to its annual meeting for levying taxes, a statement showing:

First. The indebtedness of the County, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part thereof.

Second. A concise statement of all property owned by the County, with an approximate estimate of the value thereof, and the amount of cash in the Treasury and in its several funds.

**37. Levy General Taxes. District Taxes.** To levy taxes upon the taxable property within the County for all County purposes, including the care, maintenance, and relief of the indigent sick and otherwise dependent poor. To levy taxes upon the taxable property within any district for the construction and repair of roads and highways, and for other district purposes; provided, that no district tax shall be levied until the proposition to levy the same has been submitted to a vote of such qualified electors of such district as shall have paid a property tax therein in the year preceding such election, and a majority of those voting thereon shall have voted in favor of such tax.

**38. Act as Board of Equalization.** To perform such duties as a County Board of Equalization as are or shall be provided by law.

**39. Health Regulations.** To adopt such provisions for the preservation of health in the County, or in any precinct or district therein, or any portion thereof (except municipal corporations), as the Board may deem necessary, and to provide for paying the expenses thereof.

It shall be the duty of the Board of County Commissioners to appoint district health officers, who shall hold office for the term of two years. They may be allowed such reasonable compensation not to exceed \$3.00 per day as the Board may fix and determine; in addition thereto they may be allowed their actual and necessary expenses incurred in the discharge of their duties; provided, that no member of the Board of County Commissioners shall be eligible to appointment as a health officer.

The board of health shall have general supervision of all the matters pertaining to the sanitary conditions of the County. It shall have power, in time of epidemic, to locate and establish pesthouses, and to do and perform such other acts as the health of the people of the district may require. All expenses necessarily incurred in the carrying out of the provisions of this section must be provided for by the Board of County Commissioners.

40. **To Provide for the Poor.** To provide for the care, maintenance, and relief of all indigent sick or otherwise dependent poor persons who have lawfully settled in any part of the county, including that territory or portion thereof lying within the limits of any incorporated city or town situated in said County; and it is hereby made the duty of the Board to provide such care, maintenance, and relief for the indigent sick and dependent poor whether found within or without the corporate limits of incorporated cities and towns; and, if found within the corporate limits of such incorporated cities or towns, to observe, in caring for them, all such quarantine rules and regulations as may be therein prescribed; and in its discretion to erect, officer, and maintain such hospitals, poorhouses, or other institutions as may be necessary to provide for the same; and for such purposes to levy the necessary property tax, or poll tax, or both; provided, that the board shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals, poorhouses, or other institutions; and, provided further, that the board shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to be known as the County Physician and in Counties of the first class said Board may also appoint another suitable graduate in medicine to be known as the assistant County Physician, whose duty it shall be to attend and prescribe for all such indigent sick and dependent poor; and in cases where indigents are sick with a contagious disease and are found within incorporated cities or towns, to observe, in caring for them, such quarantine rules and regulations as may be therein prescribed; (and said board may also appoint one female office assistant to said County Physician); provided further, that in all cases where an indigent person, sick with a contagious disease, is quarantined by any health officer of any city or town, and in all cases where a person sick with a contagious disease, within the limits of an incorporated city or town, is quarantined by any city or town health officer and rendered dependent by reason of such quarantine, then in that case, the Board of County Commissioners shall only be responsible for the care and maintenance of such person or persons, from and after the date when they shall be notified of the establishment of such quarantine by such city or town health officers; and, provided further, that from the time of the receipt of such notice of the quarantine of any such indigent sick or dependent person, the Board of County Commissioners shall have the exclusive care and control of the maintenance and support of such person and the expenditure of money therefor.

41. **Indigent Dead.** To provide for the burial of the indigent dead; and it shall be the duty of the Board so to provide, or to provide for other disposition of the bodies of such indigent dead, under such restrictions as they may deem advisable.



42. **Poor Farm.** To provide a farm in connection with the County Hospital, infirmary, or poorhouse and to make the necessary rules and regulations for governing the same.

43. **Prohibit the Leaving of Non-Resident Indigent.** To adopt such rules and regulations, by resolution of such Board of County Commissioners, as may be necessary to regulate or to prohibit the leaving by any person or common carrier within the limits of the County, or any indigent, idiotic, or insane persons not having a lawful settlement in such County, or the leaving of the bodies of any such persons who may have died while traveling, unless such person or common carrier shall undertake to be responsible for the proper burial of such bodies, or unless such deceased person, at the time of his death, had a lawful settlement in the County within which it is proposed to deliver his body, also to regulate or prohibit the bringing into or leaving within the County persons affected with or who have recently been exposed to any contagious disease.

44. **Lawful Settlement. Definitions.** A lawful settlement, such as is referred to in this section, may be acquired in any County, so as to oblige such County to relieve and support any indigent sick or otherwise dependent poor person acquiring such settlement, in case they are in need of care, maintenance, and relief, or the attention of the County Physician, as follows:

First. A married woman shall always have the settlement of her husband, if he has any such settlement within the State, otherwise her own at the time of her marriage, and in case the wife shall be removed from the place of her settlement and her husband shall need relief, he shall receive it in the place where his wife shall have the settlement; legitimate children shall follow and have the settlement of their father, if he have one within the state; illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if she have any within the state; but neither legitimate nor illegitimate children shall gain a lawful settlement by birth in the place where they were born, unless their parent or parents had the settlement therein at the time;

Second. Every male person and every unmarried female person over the age of twenty-one years, who shall have continuously resided in any county in this State for the period of four months, shall thereby gain a lawful settlement in such County;

Third. Every minor whose parents, and every married woman whose husband has not settlement in this State, and who has resided

four months in any County of the State, shall thereby gain a lawful settlement in such County;

Fourth. Every lawful settlement once legally acquired shall continue until it shall be lost or defeated by acquiring a new one in this State, or by absence from the County in which such legal settlement has been made for four months or more, and upon acquiring a new settlement all former acquired settlements shall be defeated and lost. The provisions of this subdivision shall apply to cases of settlement begun to be acquired, or lost, or defeated, as well as before the provisions of this section shall go into effect.

45. **Temporary Relief to Non-Resident Indigent.** It shall be the duty of the Board of County Commissioners in each County in the State, upon any complaint made to them that any person, not an inhabitant of that County, and not having a lawful settlement therein, is lying sick or disabled therein, or is in distress, without friends or money, so that he or she is likely to suffer, to examine into the case of such person and grant such temporary relief as the nature of the examination shall require. If any person not having a legal settlement in such County shall die within the County, and who shall not leave money or other means to defray his or her funeral expenses, it shall be the duty of the County Commissioners of such County to employ some person to provide for and superintend the burial of such deceased person, and the necessary and reasonable expenses thereof shall be paid upon the order of the Board of County Commissioners of such County, in the same way that other claims against said County for the care, maintenance, and relief of the indigent sick or otherwise dependent poor persons are allowed and paid.

46. **Tax for Support and Care of Indigents.** The Board of County Commissioners in each County in the State may, if they deem it necessary and expedient so to do, annually at their session at which the annual tax levy for County purposes is fixed and levied, assess and levy a tax not exceeding one mill on the dollar, for the following purposes, to-wit:

First. The care, maintenance, and relief of the indigent sick or otherwise dependent poor persons having a lawful settlement in the County;

Second. For temporary relief of indigent persons not having a lawful settlement in the County temporarily residing therein, and for the burial of such indigent persons who shall die within the County;

Third. The erection and maintenance of hospitals, infirmaries, or poorhouses, and any and all farms in connection therewith.

Fourth. The employment of a superintendent for such County hospitals, poorhouses, and infirmaries, and any other necessary help therein;

Fifth. The salary of the County Physician attending the indigent sick or otherwise dependent poor.

The said taxes herein authorized shall be collected on each dollar of valuation of property within the County, in the same manner that other County taxes are assessed, levied, and collected, and by the same officers whose duties require them to assess, levy and collect the other county taxes.

47. **Taxes. How Disposed of.** All taxes collected through the levying of the tax referred to in subdivision 46 of this section shall, as rapidly as they are collected, be recovered into the County Treasury, and shall be placed in a separate fund in the custody of the County Treasurer, to be called the poor fund, and the moneys therein shall at all times be used exclusively for the purposes mentioned and authorized in subdivision 49 of this section. All claims against any County in payment of expenses incurred under the provision of this section shall be audited, approved, and allowed by the County Commissioners of such County, in the same manner that other claims against said County are allowed and paid.

48. **Commissioner of Poor.** The Board of County Commissioners of any County in this State may appoint, if they deem it necessary and expedient so to do, one of their own number as commissioner of poor for said County. Such commissioner of poor shall have, under control of the Board of County Commissioners, general care and supervision of the indigent sick or otherwise dependent poor persons of such County. It shall be the duty of such commissioner of poor to keep his office at the County Seat, and to personally inform himself of the necessity of all expenditures of public money for the relief of the indigent sick or otherwise dependent poor persons, to make all arrangements that may be required for the assistance of those indigent sick or other dependant poor persons not in the county hospital, infirmary, or poorhouse, and to certify all accounts of such expenditures. It shall be the duty of such commissioner of poor to visit regularly the County hospital, infirmary, or poorhouse and keep himself informed of the condition thereof and of the inmates therein. (Said Board of County Commissioners may also appoint a pauper clerk and one assistant to the pauper clerk at such compensation as may be fixed by said Board.)

49. **Duties of Commissioners as to the Poor.** The Board of County Commissioners in each County shall have power to make such orders

regarding the indigent sick or otherwise dependent poor persons of the County as they may deem proper, and it shall be the duty of the commissioner of poor, on the first Monday in January, April, July, and October in each year, to make a detailed written report to the Board of County Commissioners stating the number of poor persons in the hospital, infirmary, or poorhouse of such County during the preceding quarter, the names of such persons, and the number of days each of such persons during the last quarter, has been in such hospital, infirmary, or poorhouse, with a statement of the condition of the health therein and the total expense incurred.

50. **No Indigent Received Without Order.** No person shall be received in any hospital, infirmary, or poorhouse maintained by the County, without an order of the County Commissioners, or of the commissioner of poor of said County.

51. **Commissioner of Poor to Report.** The commissioner of poor shall annually make a report to the Board of County Commissioners, stating in detail the number of poor persons in the County hospital, infirmary, or poorhouse, during the preceding year, with the names thereof, and the number of days each has been in said hospital, infirmary, or poorhouse, the number and names of the indigent sick and otherwise dependent poor persons cared for, maintained, and relieved, or otherwise aided during the preceding year, who are not in such hospital, infirmary, or poorhouse, and the amount expended for each of such persons; at the same time the commissioner of poor shall make and render to the Board of County Commissioners an estimate of the amount which, in his judgment, will be required for the support and maintenance of the indigent sick or otherwise dependent poor of such County for the succeeding year, both for those provided for in the County hospital, infirmary, or poorhouse, and those otherwise cared for, maintained, and relieved.

52. **Compensation of Commissioner of the Poor.** Any County Commissioner who may have been appointed a commissioner of poor by a Board of County Commissioners in any County belonging to the second or third class, as in this section provided, shall receive, in addition to the salary now provided by law, and in addition to his actual traveling expenses as provided by law, a sum to be fixed by the Board of County Commissioners of the County making such appointment, provided said sum shall not exceed annually \$500. Any County Commissioner who may have been appointed a commissioner of poor by a Board of County Commissioners in any County in this State, other than in the first, second, or third class, shall receive, in addition to the salary now provided by law, and in addition to his actual traveling expenses as pro-

vided by law, the sum to be fixed by the Board of County Commissioners of the County making such appointment, provided said sum shall not exceed annually \$200.

Sec. 2. This Act shall take effect upon approval.

Approved March 22, 1909.

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## CHAPTER 90.

### NOTICE TO TAXPAYERS.

An Act to Amend Section 2549 Compiled Laws of Utah, 1907, Relating to Notice to Taxpayers by County Treasurers.

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

**SECTION 1. Section Amended.** That Section 2549, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

2549. **Assessment Book Delivered to Treasurer.** On or before the second Monday of May the assessment book, together with the map book and statements, must be delivered to the County Treasurer, who shall furnish to each taxpayer by mail to addresses noted, postage prepaid, or leave at his residence or usual place of business, if known, a notice of the kind and valuation of property assessed to him, also notice of tax sale or sales of preceding year of said property, or any portion thereof, if any, from which the same, as shown by the records, remains unredeemed, and of the day fixed by the Board of Equalization for hearing complaints. The notice of assessed valuation shall be mailed at least ten days before the first day of said hearing, and the Treasurer shall then return said assessment book, map-book and statements to the Board of County Commissioners, who shall constitute a County Board of Equalization, as hereinafter provided. This notice of tax sales may be incorporated in the assessed valuation notice or the final tax notice or may be given in a separate statement and it may be mailed at any time before the 15th day of September in each year.

Sec. 2. This Act shall take effect upon approval.

Approved March 22, 1909.

## CHAPTER 91.

## FEES OF COUNTY RECORDERS.

An Act Amending Section 973, Compiled Laws of Utah, 1907, Relating to Fees of County  
Recorders.

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

SECTION 1. Section Amended. That Section 973, Compiled Laws of Utah, 1907, be, and the same is hereby amended to read as follows:

973. Fees of County Recorders. For recording any instrument, paper, or notice, other than bonds of public officers, not otherwise provided for, for the first folio 50c, to include necessary filing, indexing and abstracting, and for each additional folio, 20c; provided, however, that where any instrument, paper or notice contains more than one description, an additional fee of 10c for each of such additional description shall be collected.

In any instrument in which a right of way is described, which is connected with or is appurtenant to any tract of land described in such instrument, the description of such right of way shall not constitute a separate description; provided, that where such instrument contains a description of more than one such right of way, an additional fee of 10c for each such right of way shall be collected; provided further, that where any instrument contains more than two names each for either first or second party, or plaintiffs, or defendants, or locators of a mining claim, for each additional name, 10c; and provided further, that where any affidavit or proof of labor contains the name of more than one mining claim, an additional fee of 10c for each additional mining claim mentioned therein shall be collected.

For copies of any record or paper, 10c per folio, and when said record or paper has a plat or map attached thereto and made a part thereof, the fee for copying said map or plat shall be one-half the regular fee, as provided in this Section; for recording the original map or plat.

For each certificate under seal, 50c.

For each entry of certificate of discharge of mortgage, deed or trust, or other instrument in the book kept for that purpose, and making the necessary reference on the record of the original instrument, 50c.

For releasing any instrument on the margin of the record, 25c; pro-

vided, that where more than one description is contained within said instrument to be released, 10c additional shall be collected for each extra description; and, provided further, that where more than two names each for either first or second party appear in said instrument to be released, an additional fee of 10c shall be collected for each additional name.

For searching files or records in his office, \$1.00 per hour.

For recording any plat of a subdivision into lots and blocks, 15c for each lot, and twenty-five cents for each folio of figures, letters and characters.

For recording any other plat or map, 10c for each course or line, and 25c for each folio of figures, letters and characters.

For taking and certifying acknowledgments, including seal, 50c for one name; each additional name, 25c.

For certificate attached to abstract of title, \$1.

For each entry in an abstract of title, not including entries on margin of record, 75c.

For entry on abstract of title of satisfaction or release of mortgage, trust deed, or other lien, made on margin of record, 25c.

For recording medical certificates, \$1.

For all other services not herein enumerated, a reasonable compensation.

Approved March 22, 1909.

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## CHAPTER 92.

### HOW LAND SHALL BE PARTITIONED.

An Act Amending Sections 3533 and 3534, Compiled Laws of Utah, 1907, Specifying How Land Shall be Partitioned, if Possible; Providing for the Sale of Same and the Appointment of Referees Where it is Impossible to Partition Same, and for Improvements Thereon.

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

SECTION 1. Sections Amended. That Sections 3533 and 3534, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

**3533. Land Partitioned if Possible; Otherwise to be Sold. Referees.** If it is alleged in the complaint and established by evidence, or if it appears by the evidence without such allegation in the complaint, to the satisfaction of the court that the property or any part of it is so situated that the partition cannot be made without great prejudice to the owners, the court may order a sale thereof; otherwise, upon the requisite proofs being made, it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners whose interests remain unknown or are not ascertained; provided, however, that when the action is for partition of a mining claim among the tenants in common, joint tenants, co-partners or parceners thereof, the court, upon good cause shown by any party or parties in interest, may, instead of ordering partition to be made in manner as hereinbefore provided, or a sale of the premises for cash, direct the referees to divide the claim in the manner hereinafter provided.

**3534. Manner of Making Partition. Improvements.** In making the partition, the referees must divide the property and allot the several portions thereof to the respective parties, quality and quantity relatively considered; according to the respective rights of the parties as determined by the court, pursuant to the provisions of this chapter, designating the several portions by proper landmarks, and may employ a surveyor with the necessary assistants to aid them. In all cases the court shall direct the referees, in making partition of land, to allot the share of each of the parties owning an interest in the whole or any part of the premises sought to be partitioned, and to locate the share of each co-tenant, so as to embrace, as far as practicable, the improvements made by such co-tenant upon the property; and the value of the improvements made by the tenants in common must be excluded from the valuation in making allotments, and the land must be valued without regard to such improvements, in case the same can be done without material injury to the rights and interests of the other tenants in common owning such land; provided, however, that when the action is for a partition of a mining claim among the tenants in common, joint tenants, co-partners or parceners thereof, the court shall, by order, fix the time for division of the claim by the referees, which shall not be less than twenty nor more than forty days from the day of the making the order, except by consent of all the parties in interest who have appeared in the action.

On the day designated in the order, the referees shall go upon the claim to be divided, and proceed to make division of the same as hereinafter provided, and shall continue from day to day until the whole business is completed.



Two or more of the tenants in common, joint tenants, co-partners or parceners may unite together for the purposes of such division of which they shall give the referees written notice before they commence the business of division; and all who do not unite as aforesaid, or give notice of separate action, shall, for the purposes of division, be deemed and held to have united. The referees in their action shall recognize those named in the order of the court, or their agents and attorneys in fact, duly appointed by instrument in writing under seal, and acknowledged as in cases of conveyances of real estate, the guardian of a minor, and the guardian entitled to the custody and the management of the estate of an insane person, or other person adjudged incapable of conducting his own affairs, and as to the interest of each, shall be controlled entirely by the order of the court.

At the time and place of division, one of the referees to be elected by them shall, in the manner of public auction, offer to the party or parties who will take the least part or portion of said mining claim in proportion to the interest he or they may have therein, the privilege of first selecting the place at which his portion shall be located, and upon closing the bids the referees shall proceed to measure and mark off, by distinct metes and bounds, to the lowest bidder, his or their portion of said mining claim, at the place designated by them or him, according to the terms of his or their bid.

When the referees have marked off and set apart the interest of the lowest bidder, as provided herein, they shall offer to the remaining parties the privilege of selection, as herein mentioned and provided, and shall, upon closing the bids, proceed in the same manner to locate and mark off the portion of the lowest bidder, and shall thereafter continue in the same manner to receive bids and mark off the interest of the bidder or bidders until there shall remain but one party in interest, or parties united, forming one interest, as provided herein.

The party or parties remaining shall become the owner or owners, as the case may be, of the entire claim not marked off and set apart to other parties as hereinbefore provided, in proportion to their respective interests in the claim.

Approved March 22d, 1909.

## CHAPTER 93.

## STATE BOUNTY FUND.

An Act Creating a State Bounty Fund, Providing for a Tax on Certain Live Stock, Providing for the Destruction of Certain Wild Animals, and Repealing Chapter 1, Title 9, Compiled Laws of Utah, 1907.

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

**SECTION 1. Bounties for Killing Certain Wild Animals.** For the purpose of encouraging the destruction of bear, mountain lion, cougar, grey wolf, coyote, lynx and wildcats, there is hereby created a fund to be known as the State Bounty Fund, which shall be handled and paid out as hereinafter provided.

**Sub. 1. Appropriation.** The sum of twenty thousand dollars is hereby appropriated annually out of the general funds of the State not otherwise appropriated.

**Sub. 2. Tax on Sheep and Goats.** The Board of County Commissioners of each county in the State are hereby authorized, and they shall at the time of the annual levy of taxes, levy a tax of four mills on the dollar on all sheep and goats, and two mills on the dollar on all horses and cattle, except horses and cattle in incorporated cities, and towns, according to the assessed valuation of the same, said tax to be collected as other taxes and paid into the State Treasury. The State Treasurer shall keep the same, together with the twenty thousand dollars appropriated by this Act, in a separate fund to be known as the State Bounty Fund, and pay the same out upon the State Auditor's warrant as hereinafter provided.

**Sec. 2. Bounties.** Bounties shall be paid for the destruction of the following designated animals, to-wit: For each bear, mountain lion, cougar or grey wolf so destroyed, ten dollars, and each coyote, lynx or wild cat so destroyed, two dollars and fifty cents, under the following terms and conditions, to-wit:

**Sec. 3. How to Obtain Bounty.** Any person who shall desire to obtain the bounties provided for in Section 2 shall, within sixty days of the killing of said animals, present to the County Clerk of the county in which said animal or animals were killed, the entire skin of such animal or animals with the ears, tail, bone to the knee of each fore leg and paws connected, accompanied by an affidavit subscribed and sworn to before said County Clerk, stating that the animal or animals upon

which such bounty is claimed and from which the skin or skins exhibited to said clerk were taken, were killed by the person presenting the same and claiming said bounty within sixty days from the date of presenting the same within the county in which they are so presented and in which such claim for bounty is made. Such affidavit shall be substantially in the following form, to-wit:

I do solemnly swear that the skin or skins by me this day exhibited to the County Clerk of the County of ..... in the State of Utah, was taken from an animal by me personally killed within said county and State of Utah, within sixty days prior to the date of this affidavit.

**Sec. 4. Id. Affidavit.** At the time of presenting such skin or skins with the ears, tail and paws connected and at the time of subscribing to the affidavit described in Section 3 of this Act, the person presenting the same and claiming bounty thereon shall cause to be filed with the said County Clerk a corroborative affidavit signed and sworn to by at least one reputable citizen and taxpayer of the county wherein said animal or animals are said to have been killed and in which claim for bounty is made, which corroborative affidavit shall state that the party claiming such bounty is a reputable person, and that to the best of affiant's knowledge and belief the facts set forth in the affidavit of the claimant described in Section 3 of this Act are true.

**Sec. 5. Certificate.** It shall thereupon be the duty of the County Clerk to issue a certificate, under the seal of his office, stating the number and kind of animals killed and for which the skins with the ears, entire tail and paws connected have been exhibited, and the leg to the knee joint on the fore legs intact has been skinned and the bones thereof destroyed, and stating the sum or sums which said person is entitled to receive under the provisions of this chapter. Said certificate shall be in substantially the following form:

State of Utah, County of ..... ss.

I, ..... County Clerk of ..... County, State of Utah, do hereby certify that ..... has exhibited to me this ..... day of ..... 19.... the skin with the ears, entire tail and paws connected of ..... and that said claimant has this day filed with me his affidavit that he killed such animal or animals, from which such skin or skins were taken, within the above named county, within sixty days prior to the date of his said affidavit. And I further certify that the said claimant has filed in my office a corroborative affidavit sworn to by ..... known to me to be a reputable citizen and taxpayer within the county, stating

that the above named claimant is a reputable person and that to the best of affiant's knowledge and belief the facts set forth in said claimant's affidavit are true. And I further certify that I have in the presence of ..... the county ..... of said county; canceled each of the said skins by having the bone taken out to the knee joint of each fore leg and that the bones thereof have been destroyed according to law this ..... day of ..... 19...; and I certify that there is due to the within named claimant the sum of ..... dollars.

.....  
 County Clerk of the County of .... State of Utah.

Countersigned by ..... the County .....  
 of said county.

**Sec. 6. Cancellation of Skins. Report to State Auditor. Record.** The County Clerk shall thereupon, in the presence of any other county officer of the same county, one of whom shall attend as a witness upon request, have the bone of each fore leg taken out to the knee joint intact and the bones thereof destroyed by them; provided, that before any bounty shall be paid on any grey wolf the skin presented as hereinbefore provided shall be held by the County Clerk and passed upon by the Board of County Commissioners at their first regular meeting after said skin is presented, and said County Clerk shall immediately forward to the State Auditor certified copies of the affidavits hereinbefore required, and the certificate made by him, together with the endorsement made by the other county officer witnessing the identification and cancellation of said skin or skins; such papers shall be forwarded by mail or other safe way. It shall be the duty of each and every County Clerk within the State to keep a record in a bound book of all bounty certificates issued by him, to whom, from what, and in what sums issued, and to preserve in his office all affidavits filed by claimants for bounty certificates so numbered as to correspond with the numbers of the certificates in said bound book.

**Sec. 7. Duty of State Auditor.** Upon receipt of the papers in this chapter hereinbefore provided, the State Auditor shall examine the same, and if he shall find that the certificates, affidavits, and other papers are in conformity with the provisions of this chapter, he shall draw a warrant in favor of the person entitled to the same, upon the treasurer of the State for the amount shown by said certificates to be due, and shall deliver or transmit the same to the person entitled thereto.

**Sec. 8. Books, Records, Etc., Not to be Removed from Office.** The County Clerk and the County Auditor shall in no case permit any of the books, records, affidavits, certificates, certified copies thereof, or any blank forms for any of the papers provided for in this chapter to be removed from his office except in the manner in this chapter specifically described.

**Sec. 9. Fund to be Kept Separate.** It shall be the duty of the State Treasurer to keep the fund for the extermination of wild animals separate from the other State funds, and to report monthly, the amount received for said fund, the amount paid in bounties, and the amount on hand, to the State Auditor, whose duty it shall be to make a similar report to the Legislature at each regular session.

**Sec. 10. Unlawful to Raise Certain Animals for Purpose of Securing Bounty. Penalty.** Any person who shall raise, keep alive, or aid in raising or keeping alive, any of the animals referred to in this chapter for the purpose of securing a bounty for destroying the same, or who shall attempt to obtain a bounty on such animal or animals, shall be deemed guilty of a misdemeanor.

**Sec. 11. Penalty.** Any person who shall make any false claim or affidavit, or who shall aid, abet or connive in the making of any false claim or affidavit for the purpose of obtaining such bounty hereinbefore provided for, or who shall thereby aid in fraudulently obtaining the same, shall be deemed guilty of perjury, and upon conviction thereof shall be punished according to law.

**Sec. 12. Repeal.** Chapter 1, Title 9, Compiled Laws of Utah, 1907, is hereby repealed.

Approved March 22d, 1909.

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## CHAPTER 94.

### PROPERTY EXEMPTIONS.

An Act to Amend Section 2503, Compiled Laws of Utah, 1907, Relating to Property Exempt.

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

**SECTION 1. Section Amended.** That Section 2503, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

2503. **Property Exempt.** The property of the United States, of the State, counties, cities, towns, school districts, and public libraries, and lots with the buildings thereon used exclusively for either religious worship or charitable purposes, and places of burial not held or used for private or corporate benefit shall be exempt from taxation. Ditches, canals, flumes, and pumping plants, owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purposes.

Approved March 22d, 1909.

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## CHAPTER 95.

### COUNTY INSURANCE COMPANIES.

An Act Providing for the Organization and Regulation of County Insurance Companies, to Insure Against Loss by Fire and Lightning.

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

**SECTION 1. County Mutual Insurance.** That any number of persons, not less than twenty-five, residing in any County of this State, who collectively shall own property of not less than fifty thousand dollars (\$50,000.00) in value, which they desire to have insured, may form an incorporated company for the purpose of mutual insurance against loss or damage by fire or lightning.

**Sec. 2. Shall Incorporate. Affidavit.** Such persons shall execute articles of incorporation in accordance with the provisions of Section 315, Compiled Laws of Utah, 1907. Instead of the oath to the agreement as required by Section 316, Compiled Laws of Utah, 1907, at least three of the incorporators shall make oath or affirmation that the incorporators collectively own property of not less than fifty thousand dollars (\$50,000.00) in value, which they desire to have insured.

**Sec. 3. Bonds.** The Treasurer and Secretary shall each give bonds to the company for the faithful performance of their duties, in such amounts as shall be prescribed by the Board of Directors.

**Sec. 4. Powers and Duties.** Such corporation and its directors

shall possess the usual powers and be subjected to the usual duties of corporations and directors thereof, and may make such by-laws, not inconsistent with the constitution or laws of this State, as may be deemed necessary for the management of its affairs in accordance with the provisions of this Act; also to prescribe the duties of its officers and fix their compensation, and to alter and amend its by-laws when necessary.

**Sec. 5. Membership.** Any person owning property in the County for which any such company is formed shall become a member of such company by insuring therein, and shall be entitled to all the rights and privileges appertaining thereto and subject to all liabilities connected with such membership; but no person not residing in the County in which the company is formed shall become a director of such company.

**Sec. 6. May Insure Certain Property. Obligations of Insured.** Such company may issue policies only on detached dwellings, school houses, churches, barns (except livery, boarding and hotel barns), and other farm buildings, and such property as may properly be contained therein; also other property on the premises and owned by the insured, hay and grain in stack, and live stock on the premises of the insured for any time not exceeding five years, and for an amount not to exceed two thousand dollars on any one risk. All persons so insured shall give their obligations to the company, binding themselves, their heirs and assigns to pay their pro rata share to the company of the necessary expenses, and all losses by fire or lightning which may be sustained by any member thereof during the time for which their respective policies are written, and they shall also at the time of effecting the insurance pay such a percentage in cash and such other charges as may be required by the rules or by-laws of the company.

**Sec. 7. Classification of Property.** Any such company may classify the property insured therein at the time of issuing policies thereon, under different rates, corresponding as nearly as may be to the greater or less risk from fire or lightning and loss which may attach to each several building insured.

**Sec. 8. Must Operate Within Certain Limits.** No such company shall insure any property beyond the limits of the County comprised in the formation of the company, nor shall they insure any property within the limits of any city containing over twelve thousand (12,000) inhabitants at the time of the issuance of the policy.

**Sec. 9. Losses. Adjustment.** Every member of such company who

sustains loss by fire or lightning shall immediately notify the president and secretary of the company, stating the amount of damage or loss claimed; if not more than five hundred dollars (\$500), then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same; if the claim for damage or loss shall be an amount greater than five hundred dollars (\$500), then the president of such company, or, in case of his absence, the secretary thereof, shall forthwith convene the directors of such company, whose duty it shall be, when convened, to appoint a committee of not less than three disinterested members of such company to ascertain the amount of damage or loss. If in either case there is a failure of the parties to agree upon the amount of such damage or loss, the claimant may apply to the judge of the District Court in the County in which the office of such company is located, whose duty it shall be to appoint three disinterested persons as a committee of reference, who shall have full power and authority to examine witnesses and to determine all matters in dispute, and shall make their award in writing to the president of such company, and such award shall be final. The pay of such committee shall be two dollars (\$2.00) per day for each day's service so rendered, and four (4c) cents for each mile necessarily traversed in discharge of their duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case said expenses shall be paid by the company. All adjusting committees shall have power to administer oaths, and examine witnesses upon any matter connected with such loss or damage.

**Sec. 10. Id. How Paid.** Whenever the amount of any loss shall have been ascertained which exceeds in amount the cash funds of the company the president shall have the power to borrow money not to exceed one-half of one per cent of all the property insured with which to pay said loss, and when the amount of such loss shall exceed one-half of one per cent of all property insured, the president shall convene the directors of said company, who shall make an assessment upon all property insured in proportion to the amount for which the several pieces of property is insured, taken in connection with the rate of premium under which it may be classified; provided, that such assessment shall be made for an amount sufficient to pay all indebtedness of said company up to the time said assessment is made, and including the loss which occasioned such assessment.

**Sec. 11. Assessments.** It shall be the duty of the Secretary whenever an assessment is made to immediately notify every person composing such company, personally, by an agent or by letter sent to his



usual postoffice address, of the amount of such loss and indebtedness and the sum due from him as his share thereof, and of the time when and to whom such payment is to be made; but such time shall not be less than thirty nor more than ninety days from the date of such notice.

**Sec. 12. Suits to Collect Assessments.** Suits at law may be brought against any member of such company who shall neglect or refuse to pay any assessment made upon him by the provisions of this Act; and the directors of any company so formed, who shall wilfully refuse or neglect to perform the duties imposed upon them by the provisions of this Act, shall be liable in their individual capacity to the person sustaining such loss. Suits at law may also be brought and maintained against any such company, by members thereof, for loss sustained, if payment is withheld after such losses become due. And any judgment recovered against any such company shall constitute a lien upon the property insured by the members thereof in proportion to the amount for which such property is insured.

**Sec. 13. Annual Statement.** It shall be the duty of the Secretary to prepare an annual statement, showing the condition of such company on the thirty-first day of December and present the same at the annual meeting.

**Sec. 14. Withdrawals.** Any member of such company may withdraw therefrom by surrendering his policy for cancellation, at any time while the company continues the business for which it was organized, by giving notice in writing to the Secretary thereof and paying his share of all claims then existing against said company; provided, that by the withdrawal of any such member, the number of the members remaining in the company shall not be reduced below the original number of incorporators, or that the amount of property insured will not be reduced below \$50,000.00; provided, further, that the company shall have power to cancel or terminate any policy by giving the insured notice to that effect.

**Sec. 15. Annual Statement to be Submitted to Insurance Department. Fee.** It shall be the duty of the president and secretary of every such company, on the first day of January of each year, or within ten (10) days thereafter, to prepare, under their own oath, and to transmit to the Insurance Department, a statement of the condition of the company on the thirty-first day of December then next preceding in such form as the Insurance Department may direct. If, upon examination, he is of the opinion that such company is doing business correctly, in accordance with the provisions of this Act, he shall thereupon furnish

the company his certificate, which shall be deemed authority to continue in business the ensuing year, subject, however, to subsequent compliance with the provisions of this Act.

For such examination and certificate the company shall pay one dollar (\$1), which shall be the only charge in connection with its annual statement.

It shall not be necessary to publish an abstract of such annual statement.

Sec. 16. This Act shall take effect upon approval.

Approved March 22, 1909.

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## CHAPTER 96.

### USE OF CONVICTS AND PRISONERS ON COUNTY HIGHWAYS.

An Act Relating to the Use of Convicts and Prisoners on the County Highways and Regulating Compensation for Services Rendered.

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

**SECTION 1. Convict Labor May be Used.** Convict labor may be utilized in providing material for constructing roads, and also in the construction of roads, the prisoners in the county jail to be placed at work under regulations made by the Board of County Commissioners, and prisoners in the State Prison to be placed at work under regulations made by the State Board of Corrections; but in no case shall a prisoner under sentence of imprisonment for a term of ten years or more be allowed to labor in the actual construction of roads, or to pass outside of the prison grounds to provide or prepare material for public road construction.

**Sec. 2. Rules Applicable to Convicts on Public Works.** The State Board of Corrections are hereby empowered to adopt a special rule applicable solely to convicts employed on the public works herein authorized and contemplated, whereby convicts so employed shall be granted additional good time allowance, conditioned upon their good behavior and cheerful compliance with all rules that may be made by said board or said superintendent for the management and control of convicts so employed, providing, that nothing in this Act shall be

construed as in any way effecting Sections 1686x13 to 1686x20 and 2286, Compiled Laws of Utah, 1907, but shall be in addition thereto.

**Sec. 3. Id. How Furnished.** The State Board of Corrections [shall] furnish the Board of County Commissioners, of any county, upon application of said commissioners, not less than fifteen nor more than fifty convicts to work upon the county highways of such county. The said convicts shall be at all times under the supervision and control as to their discipline and government of the State Board of Corrections, and any county making such application shall comply with any requirement made by the State Board of Corrections.

Approved March 22d, 1909.

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## CHAPTER 97.

### ESTABLISHING A STANDARD SYSTEM OF CONSTRUCTION OF PUBLIC HIGHWAYS.

**An Act Establishing a Standard System of Construction of Public Roads in the State of Utah and the Various Counties Thereof.**

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

**SECTION 1. Public Highways Systematized.** That for the furtherance of good roads in the State and the several counties thereof, the public highways, roads, streets, avenues and lanes in this State outside of the incorporated cities and towns are hereby systematized into sidewalk, roadway, tree space, ditch space, curb lines and fence lines as follows:

1. The curb line shall be a line on either side of the center of such highways, roads, streets, avenues and lanes, distant from the center thereof forty-nine feet on eight-rod highways, etc., forty-four feet on seven-rod highways, etc., thirty-nine feet on six-rod highways, etc., thirty-one and a half feet on five-rod highways, etc., twenty-four feet on four-rod highways, etc., and twelve and one-half feet on two-rod lanes.

2. The fence lines shall be along the outside of said highways, etc., measuring the full width thereof, the initial point of measurement being the center of the highway.

3. That portion of the highway, etc., outside the line herein designated on either side as the curb line and inside of the line designated

and set apart as sidewalk, under the specifications herein set forth, and as may be further provided by law.

4. The width of the sidewalks, outside of the curb line and inside of the fence line, is specified as follows: On eight-rod highways, etc., seventeen feet; on seven-rod highways, etc., thirteen and seventy-five hundredths feet; on six-rod highways, etc., ten and five-tenths feet; on five-rod highways, etc., nine and seventy-five hundredths feet; on four-rod highways, etc., nine feet, and on two-rod lanes, four feet.

5. On highways, etc., four rods and more in width, there is hereby designated as tree space a strip of the sidewalk two feet in width, running parallel with and adjacent to the curb line, in the center of which trees may be planted under regulations by the Board of County Commissioners, or such other use thereof be made as provided by law.

6. That space on either side of the highways, etc., four rods wide and over, indicated by the curb line on one side and on the other by a line three and one-half feet nearer the center of the highway, etc., than the curb line, is hereby designated as ditch space, along which ditches and waterways may be constructed.

7. That space between the curb lines on either side of the center of the highways, etc., is hereby designated as roadway.

8. The hitching post line is hereby designated as a line four feet nearer the center of the highway than the curb line.

**Sec. 2. Profile of Cross-sections.** That in pursuance of a plan of systematic road construction, there is hereby adopted and designated a profile of cross-sections for two-rod lanes, and for four-rod, five-rod, six-rod, seven-rod, and eight-rod highways, etc., which profile of cross-sections shall be the standard for road construction, to be observed and conformed to in all work upon public roads; provided, that where any eight-rod highway has been in part designated by the Board of County Commissioners for park purposes, the profile cross-section shall be the width of the roadway, which will, in the judgment of the County Commissioners, best conform to such reduced width of roadways. The slopes, grades, curves and dimensions of said cross-section on highways, etc., are specified and defined as follows:

1. Standard cross-section of two-rod lanes; width, thirty-three feet between fence lines, the center line being the initial point of measurements. The four feet lying outside of the curb line, twelve and five-tenths feet from the center on either side, is classed as sidewalk, which shall have a fall of three hundredths per foot from fence line to curb. The twenty-five feet within the curb shall be classed as roadway. The center twenty-one feet shall be graded to a curve with the following ele-

vations in said curve. The elevation of the center shall be four inches higher than the elevation of the fence line. The elevation at a point seven and one-half feet on either side of the center shall be the same as at the fence line. The elevation at a point eleven feet on either side of the center shall be seven inches lower than at the fence line. The remaining one and five-tenths feet of the twelve and five-tenths feet on either side of the center and next to the curb to be allowed for a ditch one and one-half feet wide and nine inches deep, and one foot wide in the bottom as measured from the eleven foot grade point.

2. Standard cross-section of four-rod street: Width, sixty-six feet between fence lines, the center line being the initial point of measurements. The nine feet lying outside of a curb line twenty-four feet from the center of the street on either side to be classed as sidewalk, the grade of which shall have a fall of three hundredths per foot from fence line to curb. The forty-eight feet within the curb lines shall be classed as roadway, the center forty-four feet of which shall be graded to a curve with the following elevation in said curve: The elevation at the center shall be nine inches higher than the elevation at the fence line. The elevation at a point fifteen and seventy-five hundredths feet on either side of the center shall be the same as the elevation at the fence line. The remaining two feet of the twenty-four on either side of the center, and next to the curb line, to be allowed for a ditch two feet wide and one foot deep and one foot wide in the bottom as measured from the twenty-two feet grade point. This ditch is a variable quantity as to depth and width, according to necessity, but in no case to be wider than a ditch space of three feet and six inches, or from the curb line to a point six inches from the hitching post line. The elevation at a point twenty-three feet on either side of the center of the roadway, or at the bottom of the one foot ditch here indicated, and which is variable under necessity shall not be more than two feet lower than the elevation at the fence line.

3. Standard cross-section of five-rod street: Width, eighty-two and five-tenths feet between fence lines, the center line being the initial point of measurements. The nine and seventy-five hundredths feet lying outside of the curb line thirty-one and five-tenths feet from the center of the street on either side to be classed as sidewalk, which shall have a fall of three hundredths per foot from fence line to curb. The sixty-three feet within the curb lines to be classed as roadway, the center thirty-three feet of which shall be graded to a curve with the following elevations in said curve: The thirteen feet between the curve and the ditch line on either side shall be an inclined plane and shall have a fall of seventy-seven thousandths per foot from intersection of arc to ditch line. The elevation of the center shall be ten and one-half inches higher than the elevation at the fence line. The elevation at a

point sixteen and fifty hundredths feet on either side of the center shall be the same as the elevation at the fence line. The elevation at a point twenty-nine and five-tenths feet on either side of the center shall be one foot lower than the elevation at the fence line, the remaining two feet of the thirty-one and five-tenths feet on either side of the center, and next to the curb line, to be allowed for a ditch two feet wide and one foot deep, as measured from the twenty-nine and five-tenths feet grade point. This ditch is a variable quantity as to width and depth, according to necessity, but in no case to be wider than a ditch space of three feet six inches, or from the curb line to a point six inches from the hitching post line. The elevation at a point thirty and five-tenths feet on either side of the center of the roadway, or at the bottom of the ditch indicated and which is variable under necessity, shall not be more than two feet lower than the elevation at the fence line.

4. Standard cross-section of six-rod street: Width, ninety-nine feet between fence lines, the center line being the initial point of measurements. The ten and five-tenths feet lying outside of a curb line thirty-nine feet from the center of the street on either side to be classed as sidewalk, which shall have a fall of three hundredths per foot from the fence line to curb. The seventy-eight feet within the curb lines to be classed as roadway, the center forty feet of which shall be graded to a curve with the following elevations in said curve: The seventeen feet between the curb and ditch line on either side shall be an incline plane, which shall have a fall of fifty-nine thousandths per foot from intersection of arc to ditch line. The elevation of the center shall be one foot higher than the elevation at the fence line. The elevation at a point twenty feet on either side of the center shall be the same as the elevation at the fence line. The elevation at a point thirty-seven feet on either side of the center shall be one foot lower than the elevation at the fence line, the remaining two feet of the thirty-nine feet on either side of the center, and next to the curb line, to be allowed for a ditch two feet wide and one foot deep, as measured from the twenty-seven feet grade point. This ditch is a variable quantity as to depth and width according to necessity, but in no case to be wider than a ditch space of three feet six inches, or from the curb line to a point six inches from the hitching post line. The elevation at a point thirty-eight feet on either side of the center of the roadway, or at the bottom of the one foot ditch indicated, and which is variable under necessity, shall not be more than two feet lower than the elevation at the fence line.

5. Standard cross-section of seven-rod street: Width, one hundred fifteen and five-tenths feet between fence lines, the center line being the initial point of measurements. The thirteen and seventy-five one hundredths feet lying outside of a curb line forty-four feet from the center of the street on either side to be classed as sidewalk, which shall

have a fall of three hundredths per foot from fence line to curb. The eighty-eight feet within the curb lines to be classed as roadway, the center forty-five feet of which shall be graded to a curve with the following elevations in said curve: The nineteen and five-tenths feet between arc and ditch line on either side shall be an incline plane, which shall have a fall of five hundred and twelve ten-thousandths per foot from intersection of curve to ditch line. The elevation of the center shall be fifteen inches higher than the elevation at the fence line. The elevation at a point twenty-two and five-tenths feet on either side of the center shall be the same as the elevation at the fence line. The elevation at a point forty-two feet on either side of the center shall be one foot lower than the elevation at the fence line, the remaining two feet of the forty-four feet on either side of the center and next to the curb line to be allowed for a ditch two feet wide and one foot deep, as measured from the forty-two feet grade point. This ditch is a variable quantity as to depth and width, according to necessity, but in no case to be wider than a ditch space of three feet six inches, or from the curb line to a point six inches from the hitching post line. The elevation at a point forty-three feet on either side of the center of the roadway, or at the bottom of the one foot ditch indicated, and which is variable under necessity, shall not be more than two feet lower than the elevation at the fence line.

6. Standard cross-section of eight-rod street: Width, one hundred thirty-two feet between fence lines, the center line being the initial point of measurements. The seventeen feet lying outside of a curb line forty-nine feet from the center of the street on either side to be classed as sidewalk, which shall have a fall of three hundredths per foot from fence line to curb. The ninety-eight feet within the curb lines to be classed as roadway, the center fifty feet of which shall be graded to a curve with the following elevation in said curve: The twenty-two feet between the arc and the ditch line on either side shall be an inclined plane, which shall have a fall of four hundred and fifty-four ten-thousandths per foot from intersection of curve to ditch line. The elevation of the center shall be one and five-tenths feet higher than the elevation at the fence line. The elevation at a point twenty-five feet on either side of the center shall be the same as the elevation at the fence line, the elevation at a point forty-seven feet on either side of the center shall be one foot lower than the elevation at the fence line, the remaining two feet of the forty-nine feet on either side of the center, and next to the curb line, to be allowed for a ditch two feet wide and one foot deep, as measured from the forty-seven feet grade point. This ditch is a variable quantity as to depth and width, according to necessity, but in no case to be wider than a ditch space of three feet six inches, or from the curb line to a point six inches from the hitching post line.

The elevation at a point forty-eight feet on either side of the center of the roadway, or at the bottom of the one foot ditch indicated, and which is variable under necessity, shall not be more than the elevation at the fence line.

**Sec. 3. State Engineer to Provide Plans and Specifications.** The cross-section profile of any road where physical conditions will not permit of construction as provided in Section two of this Act, the State Engineer shall provide plans and specifications for all permanent construction work in such places. The longitudinal profile of the grade of any portion of a highway, upon which work is to be done, at the expense of the State, in whole or in part, shall be determined by the State Engineer and is to be made a matter of record in the office of the County Surveyor of the county concerned, and of the State Engineer.

**Sec. 4. Ditches, Etc., Crossing Sidewalks or Roadway to be Bridged or Flumed. Change of Grade.** All ditches, canals or waterways constructed across any sidewalk or roadway shall be securely bridged or flumed, and shall be constructed in conformity with the established grade thereof; provided, that when a change in the grade becomes necessary for the convenience of any ditch, canal, or waterway, the changed grade shall be reasonable for the uses of the roadway, and the work of making the highway across its full width conform to the changed grade shall be done by or at the expense of the person, persons or corporation constructing the ditch, canal or waterway, and shall be completed to the satisfaction of the Board of County Commissioners. Bridges over any ditch, waterway or opening across any sidewalk shall be not less than the full width of such sidewalk exclusive of tree space thereon; and bridges over any ditch, waterway or opening across any roadway section of any highway, etc., except river bridges, shall not be narrower than the full width of the roadway section less a space of five feet from the curb line on either side on highways, four rods or more in width, and less a space of two and a half feet from the curb line on either side on two-rod lanes. Flumes shall be of the full extent as herein set forth for bridges. The Board of County Commissioners may grant permission for temporary bridges of narrower dimensions than those herein indicated for highways of four rods and more in width, or may order constructed, in case of necessity, such narrower bridges; but in no case shall any permission or order be given for a bridge less than sixteen feet in width, to be used as a public roadway; and river bridges shall be set square with the road or sidewalk, and not askew thereon, and their covering shall be made to conform to the grade of the road or sidewalk, if possible, as fixed in pursuance of Section two of this Act. Bridges or culverts, crossing a roadway upon which work is to be done, at the expense of the State in whole or in part, shall be built of iron,



steel, stone, brick, cement, reinforced concrete or other imperishable material. Headgates for the control of irrigating or other water shall be placed in either the ditch space or the tree space, as may be necessary. Railways crossing public highways, etc., shall make their crossings conform to the widths herein required for bridges and flumes, and to the regulations herein fixed as to changing grades for ditches, canals or waterways.

**Sec. 5. Water Mains, Etc.** Water mains, sewers and sewer pipes may be laid by permission or upon the order of the Board of County Commissioners, and shall be located in the roadway section of the highway, at a sufficient depth to keep the roadway secure, and to prevent a nuisance thereon; but no excavation for such purposes shall be made in any public highway, etc., without first obtaining the consent of the Board of County Commissioners. Water troughs for watering animals may be placed in the ditch space, the side of such troughs next to the center of the road to be lined upon the hitching post line. Water tanks and spills for supplying water for street sprinkling, etc., may be located in the ditch space as nearly as practicable and where wider than the ditch space may utilize tree space and such additional space on the roadway as may be necessary. Artesian or other wells may be sunk on any highway, and when located outside of the ditch space, shall not be allowed to remain open to the surface of the roadway or sidewalk, but shall be covered and piped either to the ditch space or beyond the fence line, and in all cases be made secure from being a menace to public safety; provided, that no such water tanks, spill, trough or well shall be placed on any highway contrary to regulations made by the Board of County Commissioners or as provided herein. Waste water from such tanks, etc., shall be carried into the ditch space or off the highway.

**Sec. 6. Hitching and Other Posts.** Hitching posts and posts for carrying or holding mail boxes shall be set either in the tree space hereinbefore named or along the hitching-post line designated in Section 1 of this Act. Sign posts may be set in the tree space, but no sign-board shall be permitted to extend across any sidewalk at a less height than twelve feet above the level of said sidewalk, or across any portion of the roadway at a less height than twenty feet above the level of said road. Telephone, telegraph, electric light and railway trolley or other poles may be set along curb lines upon permission being obtained therefor from the Board of County Commissioners; but for the setting of any such poles along any line in the roadway or any place therein, a specific grant of right-of-way therefor must be obtained from the Board of County Commissioners, and when such poles or pole line would obstruct or materially interfere with the proper public use of any road whereon State funds are expended, no such grant shall be given. Noth-

ing in this Act shall be construed as limiting the power of County Commissioners in granting rights-of-way or otherwise controlling public roads, except as in this Act specifically set forth.

**Sec. 7. Extension of Sidewalks.** It shall be unlawful to extend or construct any sidewalk so as to encroach upon any highway, etc., nearer to the center thereof than the curb line herein designated, or to encroach upon any sidewalk with any building, fence, wall or post, etc., nearer than the fence line, or so as to make the sidewalk narrower than the widths herein designated; and all platforms, porches, etc., on sidewalks shall be at the grade thereof, and flumes, pipes, etc., below grade shall be covered to grade, and shall be kept in good repair by the person or company in whose interest constructed, so as not to be dangerous to pedestrians, or to impair the safe and ordinary use of highway.

**Sec. 8. Unlawful to Obstruct.** It shall be unlawful to drive or place any wagon, car, buggy, carriage, team, horses, cows, mules, etc., up or along any sidewalk except in crossing such sidewalk to or from abutting property, or to permit the same to remain on or across any sidewalk in a way to impede or obstruct the ordinary use thereof, provided, that vehicles, building material, etc., may be placed temporarily in such manner on public highways as not to impede, endanger or obstruct ordinary traffic, but no such vehicles, building material, or other obstruction shall be permitted to remain on any such highway, etc., contrary to instructions from the Board of County Commissioners.

**Sec. 9.** The doing of anything in this Act declared unlawful is hereby declared to be a misdemeanor.

Approved March 22, 1909.

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## CHAPTER 98.

### HYDROGRAPHIC SURVEYS.

An Act Providing for Hydrographic Surveys and Co-Operation with the United States Government.

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

**SECTION 1. Hydrographic Surveys. Appropriation.** The State Engineer shall make hydrographic surveys of each stream system and source of water supply in the State, beginning with those most used, obtaining and recording all available data pertaining to the water supply of the

State. He is hereby authorized to co-operate with the agencies of the United States Government engaged in similar surveys and investigations. For the purpose of making hydrographic surveys, there is hereby appropriated from the general revenues of the State the sum of Two Thousand (\$2,000) Dollars annually, such appropriation being contingent upon the United States making a like appropriation for such purpose to be expended within the State.

Approved March 22d, 1909.

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## CHAPTER 99.

### NOTARIES PUBLIC.

An Act to Amend Section 1666, Compiled Laws of Utah, 1907, Relating to the Appointment of Notaries Public.

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

**SECTION 1. Section Amended.** That Section 1666, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**1666. Appointment. Term.** The Governor may appoint one or more notaries public in each of the Counties of this State, whose term of office shall be four years from the date of their commissions; provided, that no person except a citizen of the United States, over the age of twenty-one years and a bona fide resident of the State of Utah shall be appointed as a notary public.

Sec. 2. This Act shall take effect upon approval.

Approved March 22, 1909.

## CHAPTER 100.

## BULLS UPON THE PUBLIC RANGE.

An Act Relating to Bulls and Their Use Upon the Public Range, and Repealing Section 57, Compiled Laws of Utah, 1907.

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

**SECTION 1. Unlawful to Turn Cattle on Public Range.** When. It shall be unlawful to turn loose or range any cattle upon the public domain, range, or forest reserves of this State, without keeping therewith, during the breeding season of each, one bull for every thirty head, or fraction thereof, of female breeding cattle so ranged; providing, that any person so ranging any portion of thirty head of female breeding cattle, shall jointly provide and arrange for an interest in a bull running at large on the public domain, range, or forest reserve, where said cattle are ranged.

**Section 2. Bulls Must be Three-fourths Blood or More.** It shall be unlawful to own and turn loose or allow to run at large upon the public domain, range, or forest reserve of this State, any bull other than a three-fourths blood or more, of some recognized beef breed of cattle.

**Sec. 3. Penalty.** Any violation of the provisions of this Act shall be a misdemeanor.

**Sec. 4. Repeal.** Section 57, Compiled Laws of Utah, 1907, is hereby repealed.

Approved March 22, 1909.

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**CHAPTER 101.****PROHIBITING THE IMPORTATION OF CATTLE UNLESS FREE FROM TUBERCULOSIS.**

An Act to Prohibit the Bringing Into this State of Certain Cattle Except they are Free from Tuberculosis, and Requiring all Dairy Cattle Within the State to be Subjected to the Tuberculin Test.

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

**SECTION 1. Unlawful to Import Cattle.** When. That it shall be un-

lawful for any person to import or bring into this State any cattle for dairy or breeding purposes except when such cattle are accompanied by a certificate from an inspector certifying that they have been examined and subjected to the tuberculin test and are free from tuberculosis, or any other contagious disease; provided, that the provisions of this Section shall not apply to what is known as range cattle.

**Sec. 2. Cows Must be Subject to Tuberculin Test.** Every person who sells milk to a dairy and every person engaged in the dairy business in this State, shall at least once in each calendar year, cause every cow milked by him to be examined and subjected to the tuberculin test by a competent person under the direction of the State Veterinarian or the Inspector of U. S. Bureau of Animal Industry, to ascertain if any such cow is infected with tuberculosis. Such inspection to be made with rules prescribed by the State Board of Health, but no fees shall be charged therefor.

**Sec. 3. Penalty.** Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$200.00.

Approved March 11, 1909.

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## CHAPTER 102.

### LIBEL.

An Act Relating to Libel and Providing a Penalty Therefor.

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

**SECTION 1. Libel.** Any person who wilfully states, conveys, delivers or transmits, by any means whatsoever, to the manager, editor, publisher or reporter of any newspaper, magazine, periodical or serial, for publication therein, any false, or libelous statement concerning any person, persons, companies or corporations and thereby secures actual publication of the same, is hereby declared guilty of a misdemeanor.

Approved March 22, 1909.

## CHAPTER 103.

## UTAH STATE CONSERVATION COMMISSION.

An Act to Provide for a Utah State Conservation Commission and Prescribing the Powers and Duties of such Commission, and Appropriating the Sum of \$3,000.00 Per Annum to be Expended by Said Commission for Certain Purposes.

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

**SECTION 1. Commission Created.** That a commission to be known as the Utah State Conservation Commission is hereby created, to consist of not less than three members, citizens of the State of Utah over the age of 21 years.

**Sec. 2. Governor to be Chairman.** That the Governor of the State of Utah shall be ex-officio a member and chairman of said Commission, who shall serve for a term of four years without compensation.

**Sec. 3. Duties of Commission.** That it shall be the duty of said Commission to adopt and carry out such policies and measures as will prevent waste of the natural resources of Utah and to co-operate with the National Conservation Commission and with the conservation commissions of other States in any way that shall have for its object the conservation of the natural resources of Utah.

**Sec. 4. Appropriation. How Drawn.** That the sum of \$3,000.00 per annum is hereby appropriated to be paid out of the State treasury upon the warrants of said commission signed by its secretary and countersigned by its chairman, and to be used by said commission for the purposes hereinafter mentioned, to-wit:

**First.** For the collection and publication of statistics and data relative to the natural resources of the State of Utah.

**Second.** To place before the legislative and executive departments of the United States, including the National Reclamation Service, data and facts showing the great value of the arid lands in Utah when subjected to irrigation, and facts and information for the guidance of the legislative and executive departments of the United States in establishing dams, reservoirs and irrigation systems for the reclamation of arid land in the State of Utah.

**Third.** To aid the Forestry department of the United States in the protection of the timber lands and water sheds in the State of Utah, and also to procure equitable privileges to the users of national forest reserves in the State of Utah.

Fourth. To pay the traveling expenses of two members of said Utah State Conservation Commission when any joint conservation conference is called by the National Conservation Commission.

Fifth. To pay the cost of active conservation work authorized by said Utah State Conservation Commission in the State of Utah.

Sec. 5. **Secretary Elected. Duties.** That said Utah State Conservation Commission shall elect one of its members as secretary thereof, and it shall be the duty of such secretary to conduct the correspondence, countersign the warrants aforesaid, keep the records and accounts of said commission and perform such other acts as by said commission he may be authorized to perform.

Sec. 6. **Statements to be Rendered.** That it shall be the duty of the chairman and the secretary of said commission to render semi-annually to the State Treasurer of the State of Utah a detailed statement and account of all said appropriated moneys expended.

Approved March 22, 1909.

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## CHAPTER 104.

### ACCEPTANCE FROM THE UNITED STATES OF THE PANGUITCH SCHOOL.

An Act Authorizing the Governor to Accept from the United States the Property Known as the Panguitch School, Including the Lands, Buildings and Fixtures Pertaining to Such School, Upon Certain Conditions.

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

SECTION 1. That the Governor is hereby authorized to accept from the United States the property known as the Panguitch School, including the lands, buildings and fixtures pertaining to said school, upon condition that said lands and buildings shall be held and maintained by or under the direction of the State of Utah as an institution of learning and that Indian pupils shall at all times be admitted at such school free of charge for tuition and on terms of equality with white pupils.

Sec. 2. This Act shall take effect upon approval.

Approved March 22, 1909.

## CHAPTER 105.

## VALIDATING CERTAIN ACTS OF COUNTY COMMISSIONERS.

An Act Validating Certain Acts of the County Commissioners in Counties of the First Class.

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

SECTION 1. Validating Certain Acts of County Commissioners. That all acts of any and all County Commissioners of Counties of the first-class in appointing or ordering any money paid as salary to commissioners' clerks, pauper clerks, assistant pauper clerks, assistant county physicians, county physician's office girl, county physician's clerk, and as rental for two horses and buggies, one for the use of assistant county physicians, and one for the use of pauper clerks, from the month of June, 1896, to the month of February, 1909, both inclusive, are hereby validated.

Approved March 22, 1909.

## CHAPTER 106.

## ANNUAL LICENSE TAXES.

An Act Creating Annual License Taxes Payable by all Domestic and Foreign Corporations in this State, with Certain Exceptions; Providing for Penalties and Forfeitures and the Enforcement Thereof, and for the Revocation of the Charters of Domestic Corporations Failing to Comply with the Provisions of this Act, and Repealing Sections 456x6, 456x7, 456x8, 456x9 and 456x10, Compiled Laws of Utah, 1907.

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

SECTION 1. Domestic and Foreign Corporations Defined. The term domestic corporations, within the meaning of this Act, shall include all corporations heretofore organized under the laws of the Territory or State of Utah, or which shall hereafter be organized under the laws of said State; and the term foreign corporations shall include all corporations organized under the laws of any State or Territory of the United States, other than this State, or under the laws of any foreign country.

Sec. 2. Corporations to Pay Annual License Tax. Exceptions. All



domestic corporations (except corporations not organized for pecuniary profit, and all religious, charitable, benevolent, and all corporations organized for educational purposes, and all private water corporations organized for culinary purposes, and furnishing water exclusively to members of such corporations, and all canal and irrigation corporations engaged exclusively in furnishing water to or for lands owned by the members thereof, all water users' associations organized to comply with the rules of the United States Reclamation Service, and all insurance corporations) and all foreign corporations hereafter engaging in any business within this State, before engaging in, or before continuing to transact business after the 15th day of November, 1909, shall procure a certificate from the Secretary of State of this State authorizing such corporation to engage in, or to continue to transact its corporate business within this State, and each of the corporations aforesaid, not coming within the exceptions hereinbefore stated, shall pay to the Secretary of State a corporation license tax as follows: All corporations with an authorized capital stock of \$10,000, or less, \$5.00; with an authorized capital stock of more than \$10,000, and not to exceed \$25,000, \$10.00; with an authorized capital stock of more than \$25,000, and not to exceed \$50,000, \$15.00; with an authorized capital stock of more than \$50,000, and not to exceed \$75,000, \$20.00; with an authorized capital stock of more than \$75,000, and not to exceed \$100,000, \$25.00; and with an authorized capital stock of more than \$100,000, and not to exceed \$150,000, \$35.00; and with an authorized capital stock of more than \$150,000, and not to exceed \$200,000, \$40.00; with an authorized capital stock of over \$200,000, \$50.00.

**Sec. 3. When Due. License Certificate.** The corporation license tax herein provided for shall be due and payable to the Secretary of State at his office on the 15th day of November in each year; and when paid the Secretary of State shall issue to each corporation paying such tax a certificate authorizing it to transact and conduct its business within this State for the period of one year. Such certificate shall contain the name of the corporation paying such tax, the amount of the authorized capital stock of the corporation, the amount of tax paid and the time from which and to which the license tax paid authorizes the corporation paying the same to transact business within this State.

**Sec. 4. Penalty for Neglect or Refusal.** Any corporation required to pay the license tax herein provided which shall refuse or neglect to pay the same on or before noon of the 15th day of December following the 15th day of November, when such tax is payable, shall be deemed to be in default, and for such default there shall be added to the amount of tax a penalty of ten dollars, and unless such tax and penalty shall be paid on or before the first Monday of April

following, the defaulting corporation shall by reason of such default forfeit to the State of Utah the amount of the tax and penalty aforesaid, and shall likewise forfeit its right to transact any business within this State, and the tax and penalty may be collected as hereinafter provided.

**Sec. 5. List of Defaulting Companies to be Filed with the Governor. Proceedings Thereon.** The Secretary of State, on or before the 15th day of March of each year, shall file with the Governor of this State a complete list of the names of all defaulting corporations, together with the amount of license tax, penalties and costs remaining unpaid. The Governor, for at least ten days prior to the first Monday in April following, shall publish such list in at least two daily papers of general circulation within this State, and shall append to such lists and publish therewith his proclamation to the effect that unless the license tax owing by such corporation, together with the penalty and all the costs, shall be paid to the Secretary of State on or before noon on the first Monday in April following, such defaulting corporation shall forfeit the amount of the tax and the penalty and costs to the State of Utah, and shall also forfeit its right to carry on business within said State; and, further, that the charters of all defaulting domestic corporations will be revoked unless payment is made as aforesaid. Immediately after the first Monday in April the Governor shall file with the Secretary of State a full and complete list containing the names of all corporations whose right to do business has been annulled and whose charters have been revoked. The Secretary of State shall forthwith notify the several County Clerks in whose office the articles of incorporation which have been forfeited are on file and shall also by letter addressed to its president or secretary notify each corporation of the forfeiture of its charter. In case of a reinstatement as provided in the next section, the Secretary shall also immediately notify such County Clerks of such fact. In case of forfeiture of the charter and of the right to transact business thereunder, all the property and assets of the defaulting domestic corporations shall be held in trust by the directors of such corporation as in case of insolvent corporations, and the same proceeding may be had with respect thereto as is applicable to insolvent corporations. Any person interested may institute such proceedings at any time after a forfeiture has been declared as herein provided, but in case the Governor shall reinstate the charter the proceedings shall at once be dismissed and all property restored to the officers of the corporation. In case the assets are distributed they shall be applied as follows: First, to the payment of the license tax, penalties and costs due to the State; second, to the creditors of the corporation; and, third, any balance remaining shall be distributed among the stockholders in accordance with the amount

of stock held by each. In case a foreign corporation shall make default as herein provided, the Secretary of State shall issue his warrant stating the amount of the tax, penalty and costs due to the State, and shall deliver such warrant to any Sheriff of any county of this State, who may seize and sell any property of a foreign corporation as upon execution and apply the proceeds to the payment of the tax, penalty and costs and accruing costs, and any balance remaining after such sale shall by the Sheriff be paid to the Secretary of State, who shall return the same to the corporation whose property was sold; provided, that no more than sufficient property to pay the tax, penalty and costs shall be seized and sold.

**Sec. 6. Reinstatement.** The Governor is hereby authorized to reinstate any corporation in its right to carry on business in this State, and in the exercise of its corporate privileges and immunities in case such corporation, on or before the first day of July following the first Monday in April, shall pay to the Secretary of State all taxes due, together with the penalty, costs and expenses incurred by the State. In case such payment is made and the Governor reinstates the corporation in its former rights, he shall at once notify the Secretary of State of his action, and the Secretary shall, upon receiving such notice, issue and deliver to the corporation so reinstated a certificate authorizing it to transact business the same as if the tax had been paid when due as herein provided.

**Sec. 7. Moneys to be Deposited with State Treasurer Quarterly.** The Secretary of State, at the close of each quarter, shall pay to the State Treasurer all moneys received by the Secretary under this Act, and the State Treasurer shall credit the same to the general fund of this State.

**Sec. 8. This Act Effective, When. Notice.** This Act shall go into effect on the first day of October, 1909, and all corporations who shall desire to exist and carry on or continue in business, or may desire to continue in existence within this State after the 15th day of November, 1909, shall apply for and obtain authority to do so at the time and in the manner as herein provided, and in case of failure to do so the penalties and forfeitures shall become effective and shall be enforced against all defaulting corporations. It is hereby made the duty of the Secretary of State, between the 1st and 15th day of October in each year, including the year 1909, to mail a written or printed notice properly directed to all corporations, which notice shall state the amount of the tax due from each corporation, the time when payable, and in case of default that the right to transact business and the charter will be revoked. The failure, however, to mail any notice required by this

Act or the failure of any corporation to receive the same, shall in no way affect the right of the State to proceed under this Act. The notice referred to shall be deemed as a matter of information merely and not as an essential requirement to be complied with by the State for the purpose of enforcing the provisions of this Act or any of them.

**Sec. 9. Repeal.** That sections 456x6, 456x7, 456x8, 456x9 and 456x10, Compiled Laws of Utah, 1907, are hereby repealed. Such repeal, however, to become effective only on the 1st of October, 1909, when this Act shall take effect.

Approved March 22, 1909.

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## CHAPTER 107.

### CITY MARSHALS.

An Act to Amend Section 213, Compiled Laws of Utah, 1907, Relating to City Officers, and Providing for the Appointment of a Marshal in Cities of Less than 12,000 Inhabitants.

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

**SECTION 1. Section Amended.** That Section 213, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**213. Certain City Officers to be Elected. Marshal Appointed in Certain Cities.** In addition to the mayor and city councilmen, there shall be elected in all cities of the state a city recorder, a city treasurer, and a city justice of the peace; and also in cities of the first and of the second class, a city attorney and a city auditor; provided, that in cities of less than 12,000 inhabitants the city recorder shall be ex officio city auditor and shall perform the duties of such office without extra compensation therefor; provided, that in cities having a population of over 15,000, the office of city justice of the peace is hereby abolished, and no election for said office shall be held. All elective officers shall hold their respective offices for two years, and until their successors are elected and qualified. In cities of less than 12,000 inhabitants a city marshal shall be appointed by the mayor subject to the confirmation of the city council on the first Monday in January following a municipal election. His term of office shall be for two years, or until removed for cause.

Approved March 22, 1909.

## CHAPTER 108.

## APPOINTMENT OF TRUSTEES OF THE AGRICULTURAL COLLEGE.

An Act Amending Section 2075, Compiled Laws of Utah, 1907, Relating to the Appointment of the Board of Trustees of the Agricultural College and Fixing Their Terms of Office.

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

**SECTION 1. Section Amended.** That Section 2075, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

**2075. Board of Trustees.** The government and control of the College shall be vested in a Board of nine Trustees. Four members of the Board shall be appointed to serve for a term of two years, and five members for a term of four years as may be designated by the Governor at the time of their appointment; upon the expiration of the terms of the present trustees, and thereafter appointments shall be for the term of four years.

**Sec. 2.** This act shall take effect upon approval.

Approved March 22, 1909.

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**CHAPTER 109.**

## INTERLOCUTORY AND FINAL DECREE IN DIVORCE ACTIONS.

An Act Providing for an Interlocutory and a Final Decree in Divorce Actions and Prohibiting the Marriage of Divorced Persons Within the Period Allowed for an Appeal, and Providing for Changes in Decrees, and Amending Sections 1184 and 1212, Compiled Laws of Utah, 1907.

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

**SECTION 1. Interlocutory Decree.** If after the hearing of any divorce cause the court shall be of the opinion that the divorce ought to be granted, an interlocutory decree must be entered, declaring that the party in whose favor the court decides is entitled to a divorce.

**Sec. 2. Id. Becomes Absolute When.** An interlocutory decree shall become absolute after the expiration of six months from the entry

thereof, unless appealed from or proceedings for review are pending, or the court before the expiration of said period for sufficient cause, upon its own motion or upon the application of any party, whether interested or not, otherwise orders; and at the expiration of six months such final and absolute decree shall then be entered upon application to the court by the party in whose favor the interlocutory decree was entered, unless prior to the time cause was shown to the contrary.

**Section 3. Unlawful for Divorced Persons to Marry. When.** shall be unlawful for either party to a divorce proceeding, whose marriage is dissolved by the final decree provided for by Section 2, of this Act, to marry any person other than the husband or wife from whom the divorce was granted, within the period allowed for an appeal from such final decree under the code of civil procedure, and if an appeal from such final decree be taken, until after the affirmance of such decree; and any marriage contracted in violation of the provisions of this section shall be null and void.

**Sec. 4. Sections Amended.** That Sections 1184 and 1212, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

**1184. Other Void Marriages.** Marriages prohibited and declared void:

1. With an idiot, lunatic, or person afflicted with syphilis, or gonorrhoea, that is uncured, or a person subject to chronic epileptic fits; provided, that the last qualification shall not apply to a female over the age of forty-five years;

2. When there is a husband or wife living from whom the person marrying has not been divorced;

3. When not solemnized by an authorized person, except as provided in Section 1187;

4. When at the time of marriage the male is under sixteen or the female is under fourteen years of age;

5. Between a negro and a white person;

6. Between a mongolian and a white person;

7. Between a divorced person and any person other than the husband or wife from whom the divorce was secured, within the period

allowed for an appeal, and, if an appeal is taken, until after the affirmance of the decree of divorce.

1212. **Disposal of Children and Property.** When an interlocutory decree of divorce is made, the court may make such order in relation to the children, property, parties, and the maintenance of the parties and children as shall be equitable; provided, that if any of the children have attained the age of ten years and are of sound mind, such children shall have the privilege of selecting to which of the parents they will attach themselves.

Subsequent changes, or new orders, may be made by the court in respect to the disposal of the children or the distribution of property, as shall be reasonable and proper.

Approved March 22, 1909.

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## CHAPTER 110.

### DETENTION HOMES.

An Act Amending Sections 720x42, and 720x43, Compiled Laws of Utah, 1907, Relating to the Establishment and Maintenance of Detention Homes for the Care, Custody and Education of Dependent or Delinquent Children Under Eighteen Years of Age.

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

**SECTION 1. Sections Amended.** That Sections 720x42 and 720x43, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

**720x42. Establishment. Appointment of Superintendent.** Upon recommendation of the Juvenile Court Commission, the Board of County Commissioners of each County shall establish and maintain in counties containing cities of the first class and may in all other counties, Detention Homes, one for boys and one for girls, not connected with any jail, which shall be in charge of a superintendent to be appointed by the County Commissioners upon recommendation, from the Juvenile Court having jurisdiction in the County where said homes shall be established. It shall be the duty of the County Commissioners to approve or disapprove of the recommendation within twenty days after the submission thereof; such recommendation shall be considered approved and the

superintendent elected in case the County Commissioners shall fail within said time to take any action thereon. There shall be provided instruction in branches of education similar to those of the public schools of the city and county up to and including the eighth grade, and in addition thereto manual training and arts for boys and domestic science and arts for girls. Such detention homes shall be supplied with all necessary teachers, help, and convenient facilities for the care of inmates thereof. The employees thereof shall be appointed in like manner as the superintendent.

720x43. **Counties Having no Detention Home, May Send Delinquents to Another County.** In any case where it becomes necessary for any Juvenile Court to order a delinquent child not residing in a county wherein there is established a detention home as herein provided, to a detention home in another county the County Commissioners of the county maintaining said home may charge the county from which such delinquent child is sent a reasonable sum not to exceed 50c per day for the support and maintenance of such child.

Approved March 22, 1909.

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## CHAPTER 111.

### LOCATION OF PESTHOUSE.

An Act to Amend Section 4278, Compiled Laws of Utah, 1907, Relating to the Location of Pesthouses.

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

SECTION 1. That Section 4278, Compiled Laws of Utah, 1907, be and the same is hereby amended to read as follows:

4278. **Maintaining Pesthouse, Etc., at or Near City or Town.** Every person who establishes or keeps, or causes to be established or kept, within the limits of any city, town, or village, any pesthouse, hospital, or place for persons affected with smallpox, is guilty of a misdemeanor.

Sec. 2. This Act shall take effect upon approval.

Approved March 22, 1909.



## CHAPTER 112.

## REVENUE.

An Act to Provide Revenue for the Support of the Government of the State, and for the Several Counties of the State, and District and County Schools, for the Fiscal Years Nineteen Hundred and Nine and Nineteen Hundred and Ten.

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

**SECTION 1. Tax Levy for State Purposes.** There is hereby directed to be raised for general State purposes for each of the fiscal years nineteen hundred and nine and nineteen hundred and ten upon all the taxable property in this State, the sum of nine hundred thousand dollars; and, for the purpose of raising the same, there is hereby levied for each of the years nineteen hundred and nine and nineteen hundred and ten, an ad valorem tax of five mills on each dollar in value of the taxable property in the State, or such portion of said tax as the State Board of Equalization may find is necessary to raise the sum above set forth in each of said years.

**Sec. 2. For District Schools.** For the purpose of raising sums for the support of district schools for each of the fiscal years nineteen hundred and nine and nineteen hundred and ten, an ad valorem tax of three mills on each dollar in value of all taxable property in the State is hereby levied for each of the years nineteen hundred and nine and nineteen hundred and ten.

**Sec. 3. For County Purposes.** The Board of County Commissioners of the several counties of the State are hereby authorized to levy on all taxable property in their respective counties for each of the fiscal years nineteen hundred and nine and nineteen hundred and ten, an ad valorem tax of not to exceed five mills on the dollar of valuation for general county purposes, and not to exceed four mills on the dollar of valuation for county school purposes, and may levy a tax not exceeding one mill on the dollar additional for the care, maintenance and relief of the indigent sick and otherwise dependent poor.

**Sec. 4.** This Act shall take effect on approval.

Approved March 22, 1909.

## CHAPTER 113.

## MOTOR VEHICLES AND CHAUFFEURS.

An Act Providing for the Registration and Numbering of Motor Vehicles and Chauffeurs, and their Use of the Public Highways, and Imposing Penalties for the Violation of its Provisions.

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

SECTION 1. Construction of Words and Phrases Used in This Act. The words and phrases used in this act shall, for the purposes of this Act, unless the same be contrary to or inconsistent with the context, be construed as follows:

(1) "Motor vehicle" shall include all vehicles propelled by any other than muscular power, excepting such motor vehicles as run only upon rails or tracks; provided, that nothing herein contained shall, except as otherwise provided, apply to motor cycles, motor bicycles, traction engines, road rollers, fire engines, ambulances or police patrol wagons. (2) "Public highways" shall include any highway, country road, State road, public street, avenue, alley, park, parkway, driveway or public place in any city, town or village. (3) "Closely built up" shall mean, (a) the territory of any county, incorporated city or town contiguous to a public highway which is at that point built up with structures devoted to business. (b) The territory of any county, incorporated city, town or village contiguous to a public highway not devoted to business, where for not less than one-quarter of a mile the dwelling houses on such highway average less than three hundred feet apart, and also (c) the territory outside of a city, town or village contiguous to a public highway within a distance of one-half mile from any postoffice; provided, that for a distance of at least one-quarter of a mile within such limits the dwelling houses on such highway average less than three hundred feet apart; and provided, further, that the local authorities having charge of such highway shall have placed conspicuously thereon signs of sufficient size to be easily read by a person using the highway, bearing the words "Slow down to ten miles per hour" and also an arrow pointing in the direction where the speed is to be reduced. (4) "Local authorities" shall include all officers of counties, cities, towns, or villages, as well as all boards, councils, trustees, committees, and other public officials of such counties, towns, cities, or villages. (5) "Chauffeur" shall mean any person operating a motor vehicle as mechanic, employee or for hire.

Sec. 2. Sub. 1. Statement to be Filed with Secretary of State. Fee. Every person now or hereafter acquiring or owning a motor vehicle

shall, for every vehicle owned by him, file in the office of the Secretary of State a statement of his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by the Secretary of State for that purpose; the filing fee therefor shall be two dollars.

**Sub. 2. Motor Vehicles to be Registered and Assigned Number.** The Secretary of State shall thereupon file such statement in his office, register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number.

**Sub. 3. Seal.** The Secretary of State shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be in circular form, approximately two inches in diameter, and have stamped thereon the words "Registered motor vehicle, No. . . . . State of Utah," with the registration number inserted therein; which seal shall hereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

**Sub. 4. Id. Must be Displayed.** Every motor vehicle shall at all times, while being used or operated upon the public highways of this State, have the number assigned to it by the Secretary of State displayed on the back or rear of such vehicle, in a conspicuous place and manner, securely fastened so as not to swing, and so as to be plainly visible, the numbers to be in Arabic numerals and upon a plate or marker, the said number to be followed by the initial letter of this State on the plate or marker, the figures thereon to be four inches high and each stroke thereof to be one-half and the said letter thereon to be not less than one inch in height, one inch wide, and at all times unobscured.

**Sub. 5. Motor Vehicles in Possession of Manufacturers or Dealers.** A manufacturer of or dealer in motor vehicles or a proprietor of taxicabs shall register one vehicle of each style or type manufactured, dealt in or used by him, and be entitled to as many duplicate registration seals for each type or style so manufactured, dealt in or used as he may desire on payment of an additional fee of fifty cents for each duplicate seal, said duplicate seals to be designated by letters of the alphabet. If a registration seal and the corresponding number shall thereafter be affixed and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with this Act, until such vehicle shall be sold. Nothing in this subdivision shall be con-

strued to apply to a motor vehicle employed by a manufacturer or dealer for private use.

Sub. 6. **Id.** No motor vehicle shall be used or operated upon the public highways of this State after thirty days from the time this Act takes effect, unless the owner shall have complied in all respects with this section, except that any person purchasing a motor vehicle from a manufacturer or dealer or other person after this Act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of ten days after the purchase and delivery thereof, provided that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Sub. 7. **Vehicles Owned by Non-Residents.** The provisions of this section shall not apply to motor vehicles owned by non-residents of the State and only temporarily within this State; provided, that owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the State or territory of their residence, and the registration number showing the initial letter of such State or territory shall be displayed on such vehicle substantially as provided in this section.

Sec. 3. Sub. 1. **Speed Regulations.** No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the width, character, traffic and use of the highway, or so as to endanger life or limb on any public highway where the territory contiguous thereto is closely built up, at a greater rate of speed than one mile in six minutes; or elsewhere in any incorporated city or town, or village, at a greater rate than one mile in four minutes, or elsewhere outside of any incorporated city or town, or village, at a greater rate than one mile in three minutes; subject, however, to the other provisions of this Act.

Sub. 2. **Id.** Upon approaching a bridge, dam, sharp curve, dugway or deep descent, and also in traversing such bridge, dam, curve, dugway or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in ten minutes, and upon approaching a crossing of intersecting highways at a rate of speed not greater than six miles per hour.

Sub. 3. **Id.** Upon approaching any person walking in the roadway or traveled portion of any public highway, or a horse or any other draft animal being led, ridden, or driven therein, or a crossing of intersecting public highways, or a bridge or a sharp turn or curve, dugway, or a steep descent, and also in passing such person, horse or other draft

animal, and in traversing such crossing, bridge, turn, curve, dugway or descent, the person operating the motor vehicle shall have the same under control and shall reduce its speed. If such horse or other draft animal being so led, ridden, or driven shall appear to be frightened, or if the person in charge thereof shall request or signal so to do, by putting up his hand, the person operating the motor vehicle shall immediately stop, and if traveling in the opposite direction, shall remain stationary so long as may be reasonable to allow such horse or animal to pass; or, if traveling in the same direction, shall use reasonable caution in thereafter passing such horse or animal, so as to prevent accidents and insure the safety of others, and to prevent frightening the same, and shall not use the exhaust cut-out of such vehicle when so approaching or passing such horse or other draft animal.

Sub. 4. **Accidents.** In case of accident to a person or property on the public highways, due to the operation thereon of a motor vehicle, the person operating such motor vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Sub. 5. **Public Highway for Speed Tests.** Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Sec. 4. Sub. 1. **Rules to be Observed on Highway.** Whenever a person operating a motor vehicle shall meet on the public highway any other person riding or driving a horse or horses, or other draft animals, or any other vehicle, the person so operating such motor vehicle shall reasonably turn the same to the right so as to give half of the traveled road, if practicable, and a fair and equal opportunity to pass, to the other without interference; or, if they are traveling in the same direction; the person overtaking shall pass on the left side of the person so overtaken, and the person overtaken shall give the other a convenient opportunity so to pass, if it can be done without endangering his own vehicle, person, horse, or other draft animals.

Sub. 2. **Equipment. Lights.** Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with suitable bell, horn, or other signal, and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, and also a red light visible in the reverse direction.

Sub. 3. **Local Authority.** Subject to the provisions of this Act,

local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways or excluding or prohibiting any motor vehicle whose owner has complied with Section 2 of this Act from the use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or by the use of the highways by such vehicles, contrary to or inconsistent with the provisions of this Act.

**Sub. 4. Civil Actions.** Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employee agent.

**Sec. 5. Sub. 1. Chauffeurs Must Register. Fee.** Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the Secretary of State, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate, and shall pay a registration fee of two dollars.

**Sub. 2. Register to be Kept.** The Secretary of State shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for such purpose, and assign him a number.

**Sub. 3. Badge.** The Secretary of State shall forthwith, upon such registration and without other fee, issue and deliver to such chauffeur a badge of aluminum or other suitable metal, which shall be in oval form, and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words: "Registered Chauffeur No. . . . ., State of Utah," with the registration number inserted therein, which badge shall thereafter be worn by such chauffeur pinned to his clothing in a conspicuous place at all time while he is operating a motor vehicle upon the public highways.

**Sub. 4. Improper Use of Badge.** No chauffeur, having registered as hereinbefore provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

**Sub. 5. Owners Operating Their Own Cars.** No person shall operate a motor vehicle as chauffeur upon the public highways after thirty days from the time this Act takes effect, unless such person shall have complied in all respects with the provisions of this section. Nothing in this section shall apply to owners operating their own cars.

**Sec. 6. In Case of Sale, Number May be Retained. Fee.** An owner of an automobile desiring to sell or dispose of said vehicle shall immediately notify the Secretary of State of such transfer, and may upon his request, and the payment of \$2.00 registration fee, have the number apply to any other automobile owned or operated by him not already registered as provided for.

**Sec. 7. Disposition of Fees.** All fees received or collected under the provisions of this Act shall be paid into the State Treasury to be applied to the State road fund.

**Sec. 8. Sub. 1. Penalty.** The violation of any of the provisions of this Act by any owner, chauffeur or operator of any motor vehicle, shall be deemed a misdemeanor, and punishable as such.

**Sub. 2. Complaints or Actions.** In all complaints or actions for the violation of any of the provisions of this Act the Justice of the Peace before whom the same shall be tried shall have jurisdiction and power to render judgment therein, and issue process of execution and mittimus thereon; but the defendant shall have the right to appeal as in other cases.

Approved March 22d, 1909.

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## CHAPTER 114.

### AN ACT MAKING GENERAL APPROPRIATIONS.

An Act Making Appropriations for the Support of the State Government for Two Years, Beginning January 1, 1909, and Ending December 31, 1910, and for Other Purposes.

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

**SECTION 1,** That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the

support of the Government of the State of Utah as hereinafter expressed from January 1, 1909, to December 31, 1910.

## STATE OFFICERS.

## To the Governor:

For salary for the calendar years 1909 and 1910 .....	\$8,000.00
For salary of private secretary .....	3,600.00
For contingent and other expenses, or so much thereof as may be necessary .....	3,500.00
For capture or extermination of outlaws .....	2,000.00
For the extradition of fugitives from justice .....	4,000.00

## To the Secretary of State:

For salary for the calendar years 1909 and 1910 .....	6,000.00
For salary of Deputy Secretary of State .....	3,000.00
For necessary clerical assistance, or so much thereof as may be necessary .....	7,800.00
For contingent expenses, or so much thereof as may be necessary .....	5,000.00
For contingent expenses, clerical assistance and other expenses in the collection of annual corporation license or so much thereof as may be necessary .....	2,000.00
To cover cost of the necessary records, blanks, metal numbers for automobiles, and badges for chauffeurs, as required by H. B. No. 167, or so much thereof as may be necessary .....	1,000.00

## To the State Auditor:

For salary for the calendar years 1909 and 1910 .....	4,000.00
For salaries of deputy auditors .....	5,400.00
For salary of special deputies, or so much thereof as may be necessary .....	2,400.00
For clerical assistance and clerk of marks and brands or so much thereof as may be necessary .....	1,440.00
For necessary contingent expenses or so much thereof as may be necessary .....	1,000.00
For contingent and traveling expenses of special deputies, or so much thereof as may be necessary, provided that no mileage shall be charged where free transportation is used .....	1,500.00
For new filing case .....	500.00
To the Bureau of Statistics for salary of deputy statistician whose duty shall be to devote his time for the collection and preparation of statistics .....	3,000.00



For necessary contingent expenses of said Bureau, in the preparation, collection and compiling of statistics, or so much thereof as may be necessary .....	2,000.00
<b>To the State Treasurer:</b>	
For salary for the calendar years 1909 and 1910 .....	3,000.00
For necessary clerical assistance or so much thereof as may be necessary .....	2,400.00
For contingent expenses, or so much thereof as may be necessary .....	700.00
<b>To the Attorney General:</b>	
For salary for the calendar years 1909 and 1910 .....	4,000.00
For salary of Deputy Attorney General .....	2,400.00
For salary of stenographer and clerk or so much thereof as may be necessary .....	1,440.00
For necessary contingent expenses or so much thereof as may be necessary .....	2,000.00
<b>To the State Coal Mine Inspector:</b>	
For salary for the years 1909 and 1910 .....	4,000.00
For necessary traveling and contingent expenses or so much thereof as may be necessary; provided that no mileage shall be charged where free transportation is used .....	2,000.00
For compensation and mileage for Board of Examiners of Mine Foreman, or so much thereof as may be necessary, provided that no mileage shall be charged where free transportation is used .....	300.00
<b>To the State Bank Examiner:</b>	
For salary for the calendar years 1909 and 1910 .....	3,600.00
For necessary traveling and contingent expenses or so much thereof as may be necessary; provided that no mileage shall be charged where free transportation is used .....	1,000.00
<b>To the State Food and Dairy Commissioner:</b>	
For salary of Commissioner for the calendar years 1909 and 1910 .....	3,000.00
For necessary traveling and contingent expenses, or so much thereof as may be necessary; provided that no mileage shall be charged where free transportation is used .....	5,500.00
<b>To the Commissioner of Insurance:</b>	
For salary of said Commissioner of Insurance from April 1st, 1909, to and including December 31st, 1910. ...	4,375.00

For necessary clerical assistance, office rent, printing, purchasing of a safe, filing cases, office furniture, and other necessary and contingent expenses or so much thereof as may be necessary .....	5,000.00
<b>To the State Chemist:</b>	
For salary for the calendar years 1909 and 1910; provided that the State shall not be to any expense or shall any claim be made against the State for any contingent or laboratory expense of said chemist .....	2,500.00
<b>To the State Engineer:</b>	
For salary of the State Engineer for the calendar years of 1909 and 1910 .....	6,000.00
For contingent expenses; rent of offices and necessary traveling expenses, or so much thereof as may be necessary; provided, that no mileage shall be charged where free transportation is used .....	3,000.00
For necessary irrigation contingent expenses, for salaries of stenographers, engineers, recorders, calculators, draftsmen, referees, distribution of waters and preparing maps and records and tabulating water claims; or so much thereof as may be necessary; provided that no mileage shall be charged where free transportation is used .....	25,000.00
<b>To the State Fish and Game Commissioner:</b>	
For salary of said Commissioner for the calendar years 1909 and 1910 .....	3,600.00
For necessary traveling and contingent expenses or so much thereof as may be necessary; provided that no mileage shall be charged where free transportation is used .....	4,000.00
For salary of Chief Deputy Commissioner for the calendar years 1909 and 1910 .....	2,400.00
For necessary traveling expenses of said deputy, or so much thereof as may be necessary; provided that no mileage shall be charged where free transportation is used .....	1,200.00
For three hatchery superintendents and six chief wardens for the calendar years 1909 and 1910 at \$1,000 each per calendar year .....	18,000.00
For necessary traveling expenses of said chief wardens and hatchery superintendents for the calendar years 1909 and 1910; provided that no mileage shall be charged where free transportation is used .....	12,000.00
For clerk to the State Fish and Game Commissioner...	1,800.00

For compensation and salary of deputy game wardens at \$3.00 per day for the time actually employed.

For the purchase of eggs, distribution of fry, implements, repair of ponds and erection of hatcheries, fuel and fish food, or so much thereof as may be necessary. . .

18,000.00

For the repair and maintenance of Burrinston ponds in Juab County . . . . .

1,000.00

Provided that the appropriations made to the Fish and Game Commissioner, and for deputies, wardens, clerk hire, etc., as above set forth, shall be paid out of the Fish and Game Fund as provided in Chapter 53 of An Act Providing for the Protection of Fish and Game, etc., and that all fees collected by said Commissioner shall be paid into the State Treasury for the use and benefit of said Fund.

#### JUDICIAL DEPARTMENT.

##### To the Supreme Court:

For salary of three judges for the calendar years 1909 and 1910 . . . . .

30,000.00

For contingent expenses, or so much thereof as may be necessary . . . . .

1,200.00

For salary of the Stenographer of the Supreme Court for the years 1909 and 1910 . . . . .

3,450.00

For Clerk of the Supreme Court, and ex-officio Librarian, including all compensation for assistance for the calendar years 1909 and 1910, or so much thereof as may be necessary . . . . .

4,200.00

To the Reporter of Decisions of the Supreme Court for the calendar years 1909 and 1910 . . . . .

2,250.00

For necessary contingent expenses of the Reporter of Decisions, or so much thereof as may be necessary. . . . .

700.00

##### To the State Library:

For the purchase of books and general maintenance for the calendar years 1909 and 1910 or so much thereof as may be necessary . . . . .

4,000.00

##### To the Judges of the District Courts:

For salaries of ten judges for the calendar years 1909 and 1910 . . . . .

80,000.00

##### To the District Attorneys:

For salary of seven District Attorneys for the calendar years 1909 and 1910 . . . . .

25,000.00

For clerk of the District Attorney for the Third Judicial District .....	1,800.00
For Assistant District Attorney for the Third Judicial District .....	3,150.00
For actual traveling and contingent expenses of the District Attorneys; provided, that no mileage shall be allowed where free transportation is used.....	3,000.00
<b>To the District Court Stenographers:</b>	
For per diem and actual mileage and transcripts of stenographers for ten districts for the calendar years 1909 and 1910, or so much thereof as may be necessary; provided, that no mileage shall be charged or paid where free transportation is used .....	14,500.00
<b>For the Payment of Witness, Jurors' and Interpreters' Certificates:</b>	
To the several counties of the State for the payment of witness, juror's and interpreters' certificates in criminal cases for the calendar years 1909 and 1910, or so much thereof as may be necessary .....	45,000.00
<b>To the Several Counties of the State:</b>	
For payment of County Assessors and certain portions of the salaries of County Auditors and Assistants, and Treasurers, and their Deputies and Assistants, as provided by law for the calendar years 1909 and 1910, or so much thereof as may be necessary.....	55,000.00
<b>To the State Board of Sheep Commissioners:</b>	
For salary of three members of said Board of Sheep Commissioners for the calendar years 1909 and 1910...	3,000.00
For necessary traveling and contingent expenses of said Board, or so much thereof as may be necessary; provided, that no mileage shall be paid where free transportation is used .....	1,500.00
For State Sheep Inspectors and enforcement of all orders of the Board to be paid as provided for in Chapter 158, Laws of Utah, 1907, or so much thereof as may be necessary; provided, that no mileage shall be paid where free transportation is used.....	5,000.00
For salary of the Secretary of said Board.....	2,000.00
<b>To the State Board of Equalization:</b>	
For salaries of four members of said Board for the calendar years 1909 and 1910 .....	12,000.00
For salary of said Board as collector of taxes against car and other companies .....	600.00

For necessary traveling and contingent expenses, clerical assistance and all other necessary expenses of said Board for the calendar years 1909 and 1910, or so much thereof as may be necessary; provided, that no mileage shall be charged or paid where free transportation is used .....	6,000.00
To the State Board of Pardons:	
For necessary and contingent expenses .....	350.00
To the State Board of Health:	
For salary of Secretary of said Board for the calendar years 1909 and 1910 .....	4,000.00
For salaries of Clerk and Stenographer of said Board, or so much thereof as may be necessary .....	4,500.00
For necessary laboratory expenses, or so much thereof as may be necessary .....	1,000.00
For necessary contingent expenses, including rent, janitor and expense of special medical inspectors, or so much thereof as may be necessary; provided, that no mileage shall be paid where free transportation is used.....	9,000.00
For the securing of vital statistics, or so much thereof as may be necessary .....	1,500.00
To the State Board of Horticulture, as Organized under Provisions of Compiled Laws of Utah, 1907, and the State Horticulture Commission under the Provisions of Chapter 48, Laws of Utah, 1909:	
For three members of said Board for part of calendar year 1909 .....	\$ 375.00
For salary of Secretary of said Board.....	275.00
For salary of the State Horticultural Inspector for part of calendar year 1909 and all of the year 1910.....	2,687.50
For office clerk .....	1,530.50
For necessary traveling and contingent expenses of said Board of Horticulture and said Horticultural Commission, the State Horticultural Inspector and special deputies, or so much thereof as may be necessary, provided that no mileage shall be charged where free transportation is used .....	3,132.00
To the State Board of Land Commissioners:	
For salaries of four members of said Board for the calendar years 1909 and 1910 .....	9,600.00
For salary of the Secretary of said Board.....	3,600.00

For necessary clerical assistance, proofs of publication, office supplies, rent of typewriters, rent of telephones, expenses of Commissioners; provided, that no part of same shall be paid except on business connected with business of said Land Board, and for re-appraising and offering State lands for sale, for necessary filing fees, stamps, etc., or so much thereof as may be necessary; provided, that no mileage shall be charged where free transportation is used .....	30,000.00
<b>To the State Board of Education:</b>	
For salary of Clerk of said Board for the calendar years 1909 and 1910 .....	500.00
For necessary traveling expenses, or so much thereof as may be necessary; provided, that no mileage shall be charged where free transportation is used, and for diploma and certificates, necessary printing, or so much thereof as may be necessary, for 1909 and 1910.....	700.00
<b>To the State Board of Examiners:</b>	
For rent of State offices for the calendar years 1909 and 1910 .....	10,000.00
For necessary contingent expenses or so much thereof as may be necessary .....	500.00
For care and maintenance of Capitol grounds, including repainting of fence, or so much thereof as may be necessary .....	3,000.00
For printing and binding the Laws of the Eighth Sessions, of the Legislature .....	2,500.00
For printing and furnishing assessment rolls and taxpayers' statements for the several counties for the calendar years 1909 and 1910, or so much thereof as may be necessary .....	2,500.00
For freight on two condemned field guns with outfit donated by the United States Government, or so much thereof as may be necessary .....	90.00
<b>To the State Board of Loan Commissioners:</b>	
For interest on State Bonds, \$250,000.00 at 5 per cent per annum .....	25,000.00
For interest on \$200,000.00 at 4 per cent per annum ...	16,000.00
For interest on \$150,000.00 at 3 1-2 per cent per annum.	10,500.00
For interest on \$300,000.00 at 3 1-4 per cent. ....	19,500.00
For necessary contingent expenses of said Board, or so much thereof as may be necessary .....	100.00
For redemption fund to take up bond issue of 1892....	50,000.00
For redemption fund to take up bond issue of 1896....	40,000.00

## To the National Guard of Utah:

For salary of Adjutant General for the calendar years 1909 and 1910 .....	3,000.00
For salary of Assistant Adjutant General .....	1,200.00
For maintaining Armories, holding two encampments, insurance, contingent and other necessary expenses, for expenses of Quartermaster Department, including freight drayage, supplies and repairs to ordnance and equipment, public celebrations and duties at funerals, for rifle and target practice, for pay of officers and sergeants, or so much thereof as may be necessary .....	31,600.00

## To the Juvenile Court:

For salaries of Judges, Probation Officers and Clerks, and contingent expenses, provided that no mileage shall be charged where free transportation is used .....	25,000.00
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## TO STATE INSTITUTIONS.

## To the Utah School for the Deaf and the Blind:

For general maintenance for the two academic years beginning July 1, 1909, and ending June 30, 1911, or so much thereof as may be necessary .....	70,000.00
For renewals and improvements, including new floors, painting, metal ceilings, completion of boiler house, with cement floor, coal bin, etc., connecting hospital with main heating plant and ordinary repairs, or so much thereof as may be necessary .....	5,000.00
For libraries for the deaf and blind or so much thereof as may be necessary .....	500.00
For remodeling main building and erection of toilets, or so much thereof as may be necessary .....	11,500.00
For finishing third floor of annex building or so much thereof as may be necessary .....	3,500.00
For the purchase and erection of fire escapes, or so much thereof as may be necessary .....	2,750.00
For the establishment and maintenance of an industrial workshop in Salt Lake City, and for the employment of traveling teachers for the adult blind, or so much thereof as may be necessary .....	4,000.00

## To the State Board of Corrections:

For general maintenance of the State Prison for the calendar years 1909 and 1910, or so much thereof as may be necessary .....	106,762.50
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For gratuities to discharged prisoners for the calendar years 1909 and 1910, or so much thereof as may be necessary .....	3,000.00
For supplies for Armory, improvements and repairs, or so much thereof as may be necessary .....	3,000.00
For completion of cell house with 150 cells, or so much thereof as may be necessary .....	98,623.00
For completion of woman's ward, or so much thereof as may be necessary .....	5,000.00
For cold storage plant, or so much thereof as may be necessary .....	1,500.00
For the purchase of livestock, or so much thereof as may be necessary .....	1,000.00

To the State Mental Hospital:

For general maintenance for the calendar years 1909 and 1910, or so much thereof as may be necessary.....	106,800.00
For necessary repairs and renewals, or so much thereof as may be necessary .....	5,000.00
For furnaces for two boilers and front, or so much thereof as may be necessary .....	1,000.00
For the purchase of one engine and generator, or so much thereof as may be necessary .....	3,000.00
For the purchase of one cold storage plant, or so much thereof as may be necessary .....	1,500.00
For one propagating house, or so much thereof as may be necessary .....	600.00
For painting brick work, north and south wings, wood-work and roofs, cottages one and two and four, or so much thereof as may be necessary .....	1,185.00
For necessary insurance .....	3,000.00
For the installation of a water system, including all water rights and rights of way, or so much thereof as may be necessary .....	20,000.00
For the purchase of additional farming land, or so much thereof as may be necessary .....	6,500.00

To the University of Utah:

For general maintenance of the University of Utah; including the State Normal School, the State School of Mines, the School of Arts and Sciences, including salaries, fuel, printing, advertising, stationery, insurance, general improvements and repairs, gas, electric light and power, apparatus, books and supplies, taking care of grounds and necessary and miscellaneous expenses, etc., but does not include new buildings and their equipment,



the purchase of water rights or land, for the two academic years from July 1, 1909, to June 30, 1911, or so much thereof as may be necessary .....	300,000.00
For bacteriological and pathological laboratory, to make necessary investigations pertaining to public health and to examine and analyze all substances submitted by the State Board of Health, for the years 1909 and 1910 .....	3,500.00
For covering the laboratory, or so much thereof as may be necessary .....	2,500.00
For repairing and building roof over the mechanical laboratory, or so much thereof as may be necessary.....	2,200.00
For the improvement of the University grounds, including cement walks, or so much thereof as may be necessary .....	3,000.00
<b>For the Branch Normal School at Cedar City:</b>	
For general maintenance for the two academic years from July 1, 1909, to June 30, 1911, or so much thereof as may be necessary .....	33,500.00
For janitor services, office and library help, machinery, forges, shop supplies, books, repairs to buildings, floors, stairs, roofs, paints, etc., steam heat and finishing of shop, or so much thereof as may be necessary.....	9,465.00
<b>To the State Industrial School:</b>	
For general maintenance for the calendar years 1909 and 1910, or so much thereof as may be necessary.....	70,000.00
For manual training department, or so much thereof as may be necessary .....	15,000.00
For necessary improvements and repairs, or so much thereof as may be necessary .....	6,000.00
For salary and expenses of a State Parole Office, [Officer], or so much thereof as may be necessary; provided, that no mileage shall be charged where free transportation is used .....	3,000.00
For the equipment and purchase of an additional library, or so much thereof as may be necessary .....	1,000.00
For the extension and development of the water system, or so much thereof as may be necessary .....	1,500.00
For the purchase of additional farming land, or so much thereof as may be necessary .....	10,000.00
For the completion and furnishing of girls' cottage, or so much thereof as may be necessary .....	6,000.00
For the purchase and equipment of fire escapes, or so much thereof as may be necessary .....	2,000.00

For the erection and equipment of a central light and power plant, or so much thereof as may be necessary. . . . . 3,500.00  
 For the erection and completion of a suitable barn, and for the purchase of livestock, or so much thereof as may be necessary . . . . . 5,000.00

To the Agricultural College of Utah:

For general maintenance for two academic years, commencing July 1, 1909, and ending June 30, 1911, or so much thereof as may be necessary, including supplies, equipment, live stock, necessary repairs, painting, etc., light and power, fuel, printing and advertising, insurance, postage and stationery, telephone, etc., for the remodeling of the dormitory as a woman's building, necessary equipment of said building, for the erection of a veterinary hospital and shed for clinics, for stock judging pavilion, for incubator cellar, for the experimental station and for the erection and equipment of an electric power plant for said college, or so much thereof as may be necessary . . . . . 164,300.00

High Schools:

For the support and maintenance of high schools in such cities and school districts as have or shall establish high schools for two school years from July 1, 1909, to June 30, 1911 . . . . . 80,000.00

The said appropriation for high schools shall be apportioned among the several cities and school districts in the following manner: On the first day of December and March of each year, the Board of Education or Trustees of the city or district in which high schools are established and maintained, shall report to the State Board of Education, the actual number of students enrolled and in actual attendance at said high school, together with the daily average attendance of the students so enrolled during such school year, which report shall be verified under oath by the president or chairman and clerk of the Board. On the receipt of the reports of the cities and school districts maintaining high schools as aforesaid, the State Board of Education shall apportion to the several cities and school districts, maintaining high schools, the sum of . . . . . 20,000.00  
 Such apportionment shall be made according to the average number of students in attendance at each high school as shown by such report; and immediately furnish to the treasurer of each school board, in districts where

such high schools are maintained, an abstract of such apportionment. He shall also certify such apportionment to the State Auditor, and upon receiving such certificate, the auditor shall forthwith draw his warrant on the State Treasurer in favor of the Treasurer of the Board of Education or district, as the case may be, for the amount the said board or district is entitled to under such apportionment.

**To the Utah State Fair Association:**

For general maintenance of fair grounds and payment of premiums for the years 1909 and 1910, or so much thereof as may be necessary .....	25,000.00
For general maintenance of the fair grounds, or so much thereof as may be necessary .....	2,000.00
For the erection of a new poultry house, or so much thereof as may be necessary .....	5,000.00
For the erection of new exhibition stalls, or so much thereof as may be necessary .....	4,000.00
To repair old stalls, or so much thereof as may be necessary .....	1,000.00
For building lavatories, and improving sanitary conditions on Fair Grounds, or as much thereof as may be necessary .....	1,500.00

**To the Members of the State Boards:**

For expenses of the members of the State Boards, not otherwise provided for, or so much thereof as may be necessary .....	800.00
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**To the Several Counties:**

For expense of sheriffs in conveying convicts to the State Prison for the calendar years 1909 and 1910, or so much thereof as may be necessary; provided, that no mileage shall be charged where free transportation is used .....	2,000.00
For payment of one-half cost of preparing and revising maps and plats, or so much thereof as may be necessary .....	4,000.00
For payment of one-half bounties on birds, gophers, etc., as provided for in Section 143x24, Compiled Laws of Utah, 1907, or so much thereof as may be necessary . . . .	10,000.00
To the Armory Board, National Guard of Utah, as provided for in Section 149x2, Compiled Laws of Utah, 1907, for the calendar years 1909 and 1910, or so much thereof as may be necessary .....	20,000.00

To the Utah Art Institute, as provided for in Section 2098x17, Compiled Laws of Utah, 1907, for the years 1909 and 1910 .....	2,000.00
For the purposes of reclamation investigations as provided for in Sections 2093x8 to 2093x12 inclusive, Compiled Laws of Utah, 1907, for the years 1909 and 1910; provided, that the Department of Agriculture Experiment Station expends the same amount; the sum of....	7,500.00
For the purpose of Dry Farming Experiments, as provided for in Sections 2093x13 to 2093x19, Compiled Laws of Utah, 1907, for the years 1909 and 1910, or so much thereof as may be necessary .....	10,000.00

To the State Mental Hospital:

For the care and treatment of the feeble-minded as provided for in Chapter 29, Laws of Utah, 1909, for the calendar years 1909 and 1910 .....	20,000.00
For the payment of bounties on wild animals for the calendar years 1909 and 1910, or so much thereof as may be necessary, to be paid out as provided for in Chapter 93, Session Laws of Utah, 1909 .....	40,000.00
For sinking of artesian wells as provided for in Chapter 40, Laws of Utah, 1909 .....	7,500.00
For the maintenance of the Central Utah Experimental Station for the calendar years 1909, 1910, or so much thereof as may be necessary .....	5,000.00

Provided, that on or before the first day of May, 1909, the citizens of Lehi shall furnish and transfer to the State of Utah 63 shares of irrigation water and likewise the citizens of American Fork shall furnish and transfer to the State 50 shares of irrigation water, which is considered to be an equal amount to the 63 shares to be furnished by the citizens of Lehi. The said water to be in addition to the water appurtenant to the farm and now belonging to the State, and to be delivered by said citizens at the Experimental Station for useful purposes thereon; and that the experiments and demonstrations conducted on said farm be confined to horticultural lines, and that these operations be restricted to not more than 30 acres of the farm, best calculated for said experimentation and demonstration, and that the balance be either disposed of or put to some commercial use;

That in additon to the appropriation above mentioned, that all money derived from said farm be used for the maintenance thereof, but that no buildings be

erected on said farm within the next two years; provided, further, that if the water mentioned be not furnished in such manner as the director of the farm may require by May 1st, 1909, that said farm be permanently discontinued, and that no money be spent thereon.

To the Southern Utah Experiment Farm:

For maintenance for the calendar years 1909 and 1910, or so much thereof as may be necessary.....	6,000.00
To the State Library-Gymnasium Commission, as provided for in Chapter 57, Laws of Utah, 1909, or so much thereof as may be necessary .....	2,000.00

FOR DEFICITS.

For the following Deficits as allowed by the State Board of Examiners:

For one-half the cost of revising maps and plats to the several counties .....	3,000.00
To the Agricultural College, for maintenance of the Central Utah Experiment Station and the Southern Experiment Farm .....	12,000.00
For preliminary expenses of power plant .....	300.00
To the State Coal Mine Inspector for contingent expenses .....	700.00
To the State Fish and Game Commissioner for contingent expenses .....	500.00
To the State Engineer, for completing Weber River survey, supplies, rent, office service and stenographers and referees .....	5,860.25
To the State Auditor for contingent expenses .....	350.00
To the Attorney General for contingent expenses .....	300.00
To the University of Utah, for erection of lunch room..	6,500.00
To the State Industrial School, for purchase of land, and central heating plant .....	9,100.00
To the State Board of Equalization, for contingent expenses .....	452.35
To the State Land Board, for contingent expenses.....	5,000.00

MISCELLANEOUS CLAIMS.

To Kane County, for expenses incurred in criminal prosecutions .....	750.00
For the payment of costs and other expenses in the case of Salt Lake City vs. Pleasant View Irrigation Company and others, involving the waters of Parley's Creek Canyon as used by the State Prison; to be paid	

out by the State Board of Examiners, or so much thereof as may be necessary .....	5,000.00
To Wasatch County, for costs incurred in the arrest and prosecution of criminals on the Uintah Indian Reservation .....	2,000.00
For the following Claims as allowed by the State Board of Examiners:	
To Ernest D. Brown, for injuries sustained in the National Guard of Utah .....	150.00
To Provo City, for rental of sewer privileges for the State Mental Hospital .....	350.00
To the Adjutant General, National Guard of Utah, for maintenance of armories, 1905-06, Claim No. 6331.....	115.25
Adjutant General National Guard of Utah, for maintaining armories, Claim No. 5274 .....	194.90
To the Adjutant General, National Guard of Utah, for maintaining armories, Claim No. 6519.....	140.82
To S. E. Porter, Instructor of Band, National Guard of Utah, Claim No. 6588 .....	12.48
To Adjutant General, National Guard of Utah, for services of Frank Herie as Band Instructor, Claim No. 6582 .....	21.00
To Adjutant General, National Guard of Utah, for services of maintenance of armory, Claim No. 6614....	56.70
To Adjutant General, National Guard of Utah, for rent of armories, Claim No. 6695 .....	90.00
To the Adjutant General, National Guard of Utah, rent of telephones, Claim No. 6696 .....	14.25
To the Adjutant General, National Guard of Utah, rent of telephones, Claim No. 6973 .....	7.50
To the Adjutant General, National Guard of Utah, for horse killed, Claim No. 8068 .....	25.00
To Adjutant General, National Guard of Utah, for light service, Manti; Claim No. 8069 .....	2.00
To Wm. M. Day, stenographer Coal Mine Inspector, Claim No. 212 .....	21.50
To J. E. Pettit, State Coal Mine Inspector, contingent expenses; Claim No. 211 .....	90.20
To H. C. Means, for services to the State Engineer, Claim No. 132 .....	75.00
To the following newspapers for publishing proposed amendments to Constitution, and as allowed by the State Board of Examiners:	
The Logan Republican, Claim No. 178 .....	225.00

The Enquirer Company, Claim No. 179.....	250.00
Tooele Transcript, Claim No. 180 .....	100.00
The Manti Messenger, Claim No. 181 .....	110.00
The Panguitch Progress, Claim No. 182 .....	75.00
The Rich County News, Claim No. 183 .....	91.00
Grand Valley Times, Claim No. 184 .....	100.00
Journal Publishing Co., Claim No. 185 .....	275.00
The Park Record, Claim No. 186 .....	110.00
Morgan Monitor, Claim No. 187 .....	100.00
Vernal Express, Claim No. 200.....	96.90
Emery County Progress, Claim No. 199.....	94.50
Davis County Clipper, Claim No. 197 .....	50.00
Box Elder News, Claim No. 196 .....	110.00
Inter-Mountain Republican, Claim No. 195.....	450.00
Iron County Record, Claim No. 194 .....	110.00
The Weekly Press, Claim No. 198 .....	61.19
Wave Publishing Co., Claim No. 193 .....	100.00
Advocate Publishing Co., Claim No. 192 .....	110.00
The Progress Review, Claim No. 191 .....	110.00
Eureka Reporter, Claim No. 190 .....	110.00
Washington County News, Claim No. 189 .....	100.00
The Salina Call, Claim No. 188 .....	110.00

To the following counties for over-payment of State and State School taxes and as approved by the State Board of Examiners:

Wayne County, Claim No. 213 .....	687.20
Box Elder County, Claim No. 218 .....	36.74
Kane County, Claim No. 283 .....	38.43
Uintah County, Claim No. 176 .....	52.67

To the several counties for one-half of maps and plats, as allowed and approved by the State Board of Examiners:

Sanpete County, Claim No. 175 .....	204.75
Kane county, Claim No. 293 .....	180.58
Beaver County, Claim No. 159 .....	246.75
Wayne County, Claim No. 160 .....	141.73
Washington County, Claim No. 272 .....	153.77
To Piute County, for jurors and witness certificates in criminal cases, Claim No. 284 .....	51.50
Rocky Mountain Bell Telephone Co., for telephone Attorney General's office, Claim No. 177.....	48.60
Rocky Mountain Bell Telephone Co., telephone service for National Guard of Utah, Claims Nos. 219 and 220..	114.00

## Miscellaneous Claims:

For damages caused by the underflow from canals at Agricultural College, provided the Canal Company will sign an agreement freeing the State from further liability for 20 years .....	5,000.00
Wm. P. Payne, as agent for the Governor for return of fugitives from justice, Claim No. 267.....	48.00
John L. Nebeker, for witness and jurors' certificates in criminal cases, Claim No. 276 .....	82.20
James M. Brown, for jurors' certificates in criminal cases, Claim No. 278 .....	84.00
Wm. Naylor, for jurors' certificates in criminal cases, Claim No. 277 .....	77.00
Uintah County, for moneys paid for the arrest and prosecution of persons charged with selling liquor to Indians in Uintah County, Claim No. 5748 .....	434.15
For the payment of outstanding bounty certificates issued under the authority of Chapter 137, Laws of Utah, 1901, and Chapter 48, Laws of Utah, 1903, or so much thereof as may be necessary; provided, that said Board of Examiners shall be satisfied by evidence that the claims are properly allowable and said claims shall be audited by said Board as to correctness of amount and to whom due before the Auditor shall issue this warrant therefor .....	12,000.00
To Morgan County for taxes overpaid in 1906 .....	8.25
To Samuel N. King .....	2,500.00
Provided, that sum of money shall be paid to said Samuel N. King on monthly payments of \$25.00 per month during the period of his life, but not to exceed the amount above specified; and that the said Samuel N. King sign and execute to the State of Utah a release for all claims and demands against the State of Utah.	
E. W. Smedley, for horse killed by the National Guard of Utah in their encampment at Fort Russell, Wyo....	75.00
Wayne County, for unexpended balance covered into State treasury for roads and bridges, appropriated in 1907 .....	91.54
To J. T. Hammond, for three and one-half months' salary as commissioner in compiling and annotating the Compiled Laws of Utah, 1907, from Jan. 1st, 1908, to April 15th, 1908 .....	700.00
Skelton Publishing Company, for additional printing and binding of the Compiled Laws of Utah, 1907, in full for all claims and demands .....	2,983.00



## Legislative Expenses:

To the following persons and firms for supplies, labor, rent, printing and materials furnished for the Eighth Session of the State Legislature, and as allowed by the State Board of Examiners:

R. M. Johnson, for repairing House of Representatives, Claim No. 171 .....	128.50
A. F. Thornberg, for laying carpet, House of Representatives, Claim No. 170 .....	18.60

## Miscellaneous Claims:

To Fred J. Kiesel, Thomas R. Cutler and Joseph Geoghegan, for the payment of moneys advanced to the State Board of Horticulture for defraying the expenses of the exhibit of Utah at the Irrigation Congress of 1908 .....	3,600.00
To F. S. Richards, for preparing compilation of Utah Statutes relating to water rights for the National Conservation Commission .....	500.00

## To the State Board of Examiners:

For the purchase of maps for distribution to the State Offices, and for State purposes, or so much thereof as may be necessary .....	600.00
For the benefit of the settlers on the Uintah Indian Reservation .....	7,500.00

Provided that this sum of money shall be paid out by the State Board of Examiners for the purpose of supplying the ordinary necessities of life, and for this purpose said Board is hereby authorized and empowered to appoint three Commissioners to attend and superintend the proper distribution of said supplies, or of such amounts of money as may be deemed necessary; and the expenses of said Commissioners shall be paid out of above mentioned appropriation.

To the University of Utah for the payment of attorneys' fees University vs. Telluride Realty Co., and the case of the State of Utah vs. Montello Salt Co. and for other expenses connected with said cases .....	1,741.20
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For the purpose of paying the persons who have filed with the Legislature at this Session, their claims for a refund of money paid for School Land under the provisions of Section 2337x of the Compiled Laws of Utah, 1907; provided, that before any such claim is paid, the State Board of Examiners shall examine the said claims, and no claim shall be approved until the claim-

ant shall establish by competent evidence that his claim is justly due and payable under the provisions of said section, the said sums to be paid out of the State School Land Fund ..... 25,350.00

**Legislative Expenses:**

W. A. Duvall, for tinting walls House of Representatives, Claim No. 167 .....	100.00
Z. C. M. I., for cuspidors, flags, etc., Claim No. 165 .....	57.88
Co-op. Furniture Co., for office chairs, Claim No. 164. . .	76.50
H. S. Margetts, for typewriting paper, Claim No. 162. .	13.00
Deseret News Book Company, for stationery, etc., Claim No. 163 .....	217.92
C. R. Savage, for rules, etc., Claim No. 166. ....	5.65
Acme Printing Co., for printing letter heads, claim No. 168 .....	4.75
Utah Lithographing Co., for letter heads, Claim No. 173	112.50
Grocer Printing Co., for printing, Claim No. 161. ....	12.75
Breeden Office Supply Co., for rent of typewriters, Claim No. 291 .....	24.00
Remington Typewriter Co., for rent of typewriters, Claim No. 268 .....	15.50
Grocer Printing Co., for printing, Claim No. 265. ....	41.00
Breeden Office Supply Co., for rent of typewriters, Claim No. 264 .....	74.00
Breeden Office Supply Co., for stationery, binders, etc., Claim No. 263 .....	245.30
Z. C. M. I., for matting, etc., Claim No. 218 .....	24.38
Tribune-Reporter Printing Co., for printing envelopes, Claim No. 214 .....	84.15
To Salt Lake City, for rent of legislative halls, committee rooms, including light, heat and janitor service, for the Eighth Regular Session of the Legislature. ....	1,200.00
To the Century Printing Company, for printing daily minutes and printing permanent journals of both Houses, including index to same of the Eighth Session of the Legislature, or so much thereof as may be necessary, provided that all bills for said work shall first be approved by the State Board of Examiners. ....	8,050.00
The F. W. Gardiner Company, for printing and furnishing assessment rolls for the years 1909 and 1910, or so much thereof as may be necessary .....	1,200.00
Kelly and Company, for binding reports of State Officers in paper, together with Public Documents and Senate and House Permanent Journals, or so much thereof as may be necessary; provided that all bills	

shall first be approved by the State Board of Examiners .....	1,725.00
Tribune-Reporter Printing Company, and State Industrial School, for printing Department Reports of State Officers and Institutions; Senate and House Bills, or so much thereof as may be necessary; Provided that all bills shall be first approved by the State Board of Examiners and that same are according to contract, and that if any penalty is provided for the failure of said company to print and deliver said reports and bills to the Legislature; said penalty shall be deducted from the amount allowed on said bills so presented.....	20,500.00
Kelly & Company, for engrossing paper, Claim No. 301	9.00

For Roads and Bridges:

To the several Counties of the State for the purpose of constructing and improving roads therein, the amounts hereinafter mentioned, to be expended under the supervision of the Boards of County Commissioners of each County for which the appropriations are made:

Carbon County .....	\$ 2,000.00
Juab County .....	2,000.00
Rich County .....	2,000.00

Of which \$1,000 shall be expended for the construction of a road through Laketown Old Canyon.

Grand County .....	\$ 1,000.00
Sevier County .....	2,000.00
Iron County .....	1,500.00
Garfield County .....	2,500.00
Wasatch County .....	2,000.00
Wayne County .....	2,000.00
Beaver County .....	2,500.00

Of which \$1,000 shall be expended on the road crossing the Buckskin Mountains between Beaver and Bear Valley, Iron County.

Morgan County .....	1,000.00
San Juan County .....	1,000.00
Summit County .....	1,000.00
Tooele County .....	1,000.00
San Pete County .....	1,500.00

For constructing and improving the road east of Fairview and Mt. Pleasant known as the "Coal Roads," \$500 to be paid out on the order of a commissioner to be appointed by the Governor.

Millard County .....	3,000.00
Kane County .....	2,000.00
Washington County, for repairing roads from Virgin and Leeds to the north county line, \$1,000.00, for repairing roads from Chadburns Ranch to Enterprise \$500, for other county roads .....	1,500.00
To be spent on the road from Woodland, Summit County, to the west fork of the Duchesne River, Wasatch County, under the direction of the County Commissioners of Summit County .....	1,500.00
For building a bridge over the Sevier River, at Marysvale, improving roads in Piute County .....	1,200.00
For building road around the Steine Hill, in Kingston, Piute County .....	800.00
For the purpose of improving the public road or highway, extending from what is known as the Plateau Bridge, at the head of Grass Valley in Sevier County, Utah, in a southeasterly direction a distance of about ten miles and extending through the northeast corner of Piute County, and ending on the top of what is known as Parker Mountain, at the dividing line between Piute and Wayne Counties .....	1,000.00
For building a bridge over Green River, at Green River City, Emery County, Utah, to be expended jointly by the Boards of County Commissioners of Emery and Grand Counties .....	19,000.00
For building a bridge over Green River at Jensen, Uintah County, Utah, to be expended by the Board of County Commissioners of Uintah County .....	19,000.00
For building a bridge over the San Juan River at the Narrows, San Juan County, Utah, to be expended by the Board of County Commissioners of San Juan County..	3,000.00

Providing that plans and specifications for the above bridges shall first be approved by the State Engineer.

Sec. 2. The State Auditor is authorized and required to cover in to the State Treasury all unexpended balances of appropriations made by the Seventh State Legislature for the years 1907 and 1908, on or before the close of the fiscal year 1909, after all legal claims chargeable to the several appropriations are fully discharged and satisfied, and to balance the several accounts on his books by charging the same and crediting the appropriation account.

Sec. 3. It shall be unlawful for the State Auditor to audit or draw a State Warrant in payment of any claim against the State for any

money, unless an appropriation has been previously made for such purposes or unless authorized by law.

Sec. 4. All persons having demands against the State, the various State Officers, and the officers of all institutions under the control of the State, except the Governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement under oath, of the manner in which all appropriations for their respective Departments and Institutions have been expended.

The State Board of Examiners is hereby expressly prohibited from allowing any demand, payable out of any appropriation made herein to any State Institution until the same is presented to the Board of Trustees or Board of Control of any such Institution, in itemized form, stating specifically the service rendered; by whom performed, time employed, and if for articles purchased, the date of purchase, and the name of each article, and the price paid for same and allowed or approved by the Board of Trustees or Board of Control of said Institution. Copies of such bills in itemized form shall be transmitted monthly, together with a statement thereof, approved and verified by the proper officer or officers of such institution, to the Board of Examiners for its approval or disapproval.

And the Board of Examiners is hereby prohibited from allowing any claims payable out of appropriations made herein to the State Officers and State Boards until the original claims and vouchers, properly sworn to by claimants and approved by the officer, or in case of State Boards by the proper officer or officers of said Board, shall be presented for its approval or disapproval, and when such claims, including those of the State Institution, are approved by said Board, the State Auditor shall thereupon draw his warrant or warrants in favor of the person rendering the service or furnishing supplies, or the officer or the Treasurer of the Institution, as the case may be; provided, that no officer shall use or appropriate any money for any purpose whatsoever appropriated by this Act, unless authorized thereto by law.

Sec. 5. The officers of the various Departments, Boards, Commissioners and Institutions, for whose benefit and support appropriations are made in this Act, are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the State Board of Examiners be first obtained, and a certificate in writing, duly signed by each member of said Board, of the unavoidable necessity of such expenditure; and the indebtedness attempted or to be created against said State in violation of the provisions of this Section shall be absolutely null and void, and shall not be allowed by

said Board of Examiners, nor paid out of any State appropriations; provided, that any member of any such department, Board, Commissions or Institutions, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this Act, except by the unanimous consent of the State Board of Examiners, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any Court of competent jurisdiction by the person or persons, firm or corporation, to whom such indebtedness is owing.

Sec. 6. All appropriations made under this Act for the erection of new buildings and improvements of old buildings and equipments and the appropriations of \$80,000 for high schools and for the building of roads and bridges or to purchase machinery or land may be withheld by the Governor, after his approval of this Act if, in his opinion, the condition of the Treasury will not warrant the expenditure of any such sum or sums.

Sec. 7. By the use of the word "maintenance" in any portion or section of this Act is intended to mean, and shall mean, and be construed for the support of the several institutions named and not the construction, or for the repairs of any building or other improvements for, or, of, said institutions, and no warrant shall be drawn or paid on said maintenance fund, except for the purpose herein stated. No voucher for maintenance shall be payable to any institution or department in advance.

Sec. 8. All buildings for the erection of which appropriations have been made under this Act, and all improvements and repairs in excess of One Thousand Dollars of any public building, shall be erected and made under the direction, management and supervision of a competent architect to be appointed by the Board of Trustees or managers of the institution for which such improvements are made, whose fees and salaries shall be deducted from the respective appropriation made for such purposes, and he shall perform such duties in relation thereto as may be directed by said Board to erect, equip or repair such buildings, shall be, by said Board, let to the lowest responsible bidder, notice of which shall be given in some daily paper in this State; the contractor shall enter into a good and solvent bond payable to the State of Utah, conditioned that he will do the work contracted for according to the plans and specifications to be furnished by said architect, and use such material in the construction or repair of said buildings as may be called for in said plans and specifications; provided that the foregoing provisions of this Section shall not apply to the erection of new buildings

or improvements and repairs in and about the State Prison and the State Industrial School, where the labor or part of same is furnished by the inmates thereof;

Provided, further, that all architects employed as herein provided for, shall execute and deliver to the Board of Trustees or Managers of the State Institution for which improvements and repairs are to be made, a bond to the State of Utah in such amount as such Board may require, conditioned that such architect shall be liable and bound to pay to the State of Utah all such damages as it may sustain by reason of defective plans and specifications or for any wilful or negligent performance of duty. All necessary surveys for State Institutions shall be under the direction and by the State Engineer without additional compensation.

Sec. 9. No appropriation nor any surplus of any appropriation shall be diverted from any account to any other account, and the money appropriated, or so much thereof as may be necessary, shall be applied to the payment of each item for which the appropriation is respectively made and nothing else.

Sec. 10. All salaries of State officers or members of State Boards shall be paid quarterly; salaries of all Deputy State Officers, clerks, stenographers or employees of State offices and public institutions or boards shall be paid monthly for the preceding month.

Sec. 11. Whenever it is provided by statute that the salary of any officer, clerk, or employee, for which an appropriation is herein made, shall be in excess of the amount herein appropriated, such officer, clerk or employee shall receive such salary as is provided by such statute and such amount as is necessary to pay such excess over and above the amount herein provided for is hereby appropriated, and whenever in this Act an amount for any salary of any officer, clerk or employee is appropriated and the same is in excess of such salary as fixed by statute the amount herein appropriated shall be in lieu of such salary as fixed by statute and should there be any officer whose salary is fixed by statute and no appropriation for the same is herein specifically made, the amount so fixed by statute is herewith appropriated to pay such salary, provided that in all cases where the appropriations herein made for the salary of any officer, deputy, clerk, stenographer or employee of any office of the State is an increase and in excess of that appropriated for such office, deputy, clerk, stenographer, or employee by the general appropriation Act of the Legislature of 1907, such excess shall become available on and after April, 1909, to be paid as earned, and such sum or sums as amount to such excess is hereby specifically appropriated.

Sec. 12. No money or other claim against the State, the payment of which is provided for in this Act, shall be duplicated, if it shall appear that it is covered by appropriation heretofore made or by special laws.

Sec. 13. This Act shall take effect upon approval.

Approved March 23, 1909, with the exceptions shown in statement attached hereto.

**Note.** The following items, contained in the foregoing appropriation bill, were disapproved by His Excellency, the Governor:

“For the support and maintenance of High Schools in such cities and school districts as have or shall establish high schools for two years from July 1st, 1909, to June 30th, 1911.” .....	\$ 80,000.00
To the Utah School for the Deaf and the Blind:	
“For the purpose and erection of fire escapes, or so much thereof as may be necessary” .....	2,750.00
To the State Industrial School:	
“For the purchase and equipment of fire escapes, or so much thereof as may be necessary” .....	2,000.00
To the State Board of Examiners:	
“For the purchase of maps for distribution to the State officers, and for State purposes, or so much thereof as may be necessary” .....	600.00
To the University of Utah:	
“For the payment of attorneys’ fees, University vs. Telluride Realty Company, and the case of the State of Utah vs. Montello Salt Company, and for other expenses connected with said cases” .....	1,741.20
For Roads and Bridges:	
“To the several Counties of the State for the purpose of constructing and improving roads therein, the amounts hereinafter mentioned to be expended under the supervision of the Boards of County Commissioners of each county for which the appropriations are made:	
Carbon County .....	2,000.00
Juab County .....	2,000.00
Rich County .....	2,000.00
of which \$1,000 shall be expended for the construction of a road through Lake Town Old Canyon.	
Grand County .....	1,000.00
Sevier County .....	2,000.00



Iron County .....	1,500.00
Garfield County .....	2,500.00
Wasatch County .....	2,000.00
Wayne County .....	2,000.00
Beaver County .....	2,500.00
of which \$1,000 shall be expended on the road cross- ing the Buckskin Mountains between Beaver and Bear Valley, Iron County.	
Morgan County .....	1,000.00
Summit County .....	1,000.00
Tooele County .....	1,000.00
Sanpete County .....	1,500.00
“For construction and improving road East of Fairview and Mt. Pleasant known as the ‘Coal Roads’ .....	500.00
to be paid out on the order of a Commissioner to be ap- pointed by the Governor.”	
Millard County .....	3,000.00
“To be spent on the road from Woodland, Summit County to the West Fork of the Duchesne River, Wasatch County, under the direction of the County Commission- ers of Summit County” .....	1,500.00
“For building road around the Steine Hill in Kingston, Piute County” .....	800.00
“For the purpose of improving the public road or highway, extending from what is known as the Plateau Bridge, at the head of Grass Valley in Sevier County, Utah, in a southeasterly direction a distance of about ten miles and extending through the northeast corner of Piute County, and ending on the top of what is known as Parker Moun- tain, at the dividing line of Piute and Wayne Counties”	1,000.00
To the Utah State Fair Association:	
“For the erection of new exhibition stalls, or so much thereof as may be necessary” .....	4,000.00
“To repair on stalls, or so much thereof as may be neces- sary” .....	1,000.00

## CHAPTER 115.

## OPERATION AND ABANDONMENT OF WELLS PRODUCING OR CONTAINING PETROLEUM OR NATURAL GAS.

An Act to Prevent Certain Abuses Connected with the Drilling, Operation and Abandonment of Wells on Lands Producing or Containing Petroleum or Natural Gas.

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

SECTION 1. **Duties of Owner or Operator.** When any well shall be drilled in this State on lands producing or containing petroleum or natural gas, it shall be the duty of the owner or operator thereof, before drilling said well into the oil or gas-bearing sand or strata, to incase such well in such manner as to effectually exclude and prevent all water from reaching said oil or gas-bearing sand or strata.

Sec. 2. **Id.** And it shall be the duty of said owner or operator, before abandoning or ceasing to operate any such well, to securely and effectually plug said well and to fill it up with sand or rock sediment to a depth of at least fifty (50) feet above the top of the oil or gas-bearing sand or strata in such manner as to exclude all water from reaching said oil or gas-bearing sand or strata and also as to prevent any oil or gas escaping therefrom.

Sec. 3. **Penalty.** Any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be sentenced upon conviction thereof to the payment of a fine of not exceeding one thousand dollars.

Approved March 23d, 1909.

## CHAPTER 116.

## RESERVOIR LAND GRANT FUND.

An Act Creating a Reservoir Land Grant Fund, Providing for the Selection of a Site, Construction of Reservoirs and Specifying and Empowering the State Board of Land Commissioners to Make Loans from Said Funds and Returns Thereof; and for Plans and Specifications of Said Work and Manner of Construction and How Payments Shall be Made and Making an Appropriation Therefor, and Repealing Sections 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399 and 2400, Compiled Laws of Utah, 1907.

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

**SECTION 1. Reservoir Land Grant Fund Created.** There is hereby created a fund to be known as the Reservoir Land Grant Fund, said fund to consist of all moneys received from the sale of land selected under the grant for this State of 500,000 acres of land for the establishment of permanent water reservoirs for irrigating purposes.

**Sec. 2. Reservoir Sites and Land to be Selected. Loans.** The State Board of Land Commissioners is hereby authorized and directed to cause to be selected suitable sites for the construction of reservoirs and to procure by selection, grant, or purchase, the title to the land to be covered by water stored in such reservoirs, and to cause to be constructed suitable reservoirs for the purpose of storing water to be supplied to the State and other lands. The use of the reservoir land grant fund for these purposes shall be preferred. The State Board of Land Commissioners is hereby authorized and empowered to loan the Reservoir Land Grant Fund to corporations or associations within the State of Utah for the construction or completion of reservoirs, whether public or private, at a rate of interest not to exceed five per cent per annum, in such sums, for such securities, and for such periods of time as in its judgment will promote the interests of the State and encourage the construction of reservoirs for agricultural purposes; provided, that no such loan shall be made except the same be secured by a first lien upon improved real estate or established water rights; nor in an amount to exceed forty per cent of the cash value of such securities at the time the loan is made; and, provided further, that, upon the completion of any reservoir for which a loan from the Reservoir Land Grant Fund has been made, one-tenth of the principal of any loan, together with the accrued interest, shall be repaid to the Reservoir Land Grant Fund on the last day of December each year until the full amount of the principal and all accrued interest of any such loan shall have been fully paid.

**Sec. 3. Plans and Specifications.** When a reservoir site has been selected, the said board shall cause to be made, by the State Engineer, plans and specifications in detail showing the kind and quantity of materials required and the work necessary to be performed in the construction of such reservoir, together with an estimate of the total cost of the same and of the number of acres that may be irrigated therefrom. All plans and specifications shall be made with a view to constructing a substantial, permanent reservoir.

**Sec. 4. Contracts. Sale of Lands.** Upon the determination by the Board that any irrigation project is practicable, it may cause to be let contracts for the construction of the same, in such portions or sections as may be practicable to construct and complete as parts of the whole project, and thereupon the board shall give public notice of the lands irrigable under such project and the limit of area that will be sold to any one citizen, which limit shall represent the acreage which, in the opinion of the Board, may be reasonably required for the support of a family upon the lands in question; also the place and time when the lands will be disposed of and also the manner and terms of such disposal. The said charges shall be determined with a view of returning to the Reservoir Land Grant Fund the cost of construction of the project, with interest at the rate of five per cent per annum, computed from the date of the completion of the project. With reference to lands in private ownership which may be irrigated by the waters of an irrigation project, the Board shall make a written contract with each land owner before making any provision for the irrigation of such private lands by means of the irrigation system that is to be constructed. Said contract shall be drawn so as to properly secure the State for the expense of construction of the works necessary to irrigate such private lands and shall provide what the cost of the irrigation of said private lands shall be, which in no case shall be less than the actual cost thereof. And the State Board of Land Commissioners is hereby authorized to sell water or water rights pertaining to any state irrigation project to incorporated irrigation companies upon such securities as shall be approved by the said Board, and at a price not less than the actual cost of storage and delivery of said water.

**Sec. 5. State Engineer to Supervise Construction Work.** During the construction of any reservoir, the said Board shall cause the same to be supervised by the State Engineer with such assistants as he may deem necessary.

**Sec. 6. Requisitions for Money.** As the work progresses, the board shall make requisitions upon the State Auditor for such sums of money as may be necessary in payment therefor, and the State Auditor

must thereupon draw his warrants upon the State Treasurer for the amounts specified in such requisitions, the same to be paid out of any money in the Reservoir Land Grant Fund.

**Sec. 7. Funds Available.** All the Reservoir Land Grant Fund is hereby appropriated for the purpose of carrying out the provisions of this chapter.

**Sec. 8. Duty of State Treasurer When Fund is Exhausted.** If any warrant drawn on the said fund is not paid by the State Treasurer upon presentation, he shall register the same and indorse thereon "not paid for want of funds," giving the date thereof, and such warrants shall bear interest at the rate of five per cent per annum from such date until paid. Whenever the Treasurer has the sum of \$1,000 on hand in said fund, he shall call in the warrants issued on said fund and registered, in the order of their presentation.

**Sec. 9. Transfer of Land and Water Right.** All reservoirs construction [constructed] under the provisions of this act, together with the water rights acquired thereby, shall be and remain the property of the State of Utah until the land to be irrigated thereby is sold and disposed of and fully paid for, and the same shall become appurtenant to the lands to be irrigated thereby, and when any such lands are sold and patented by the State such patents shall convey a proportionate interest in such reservoirs and water rights.

**Sec. 10. Rules and Regulations.** The State Board of Land Commissioners is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

**Sec. 11. Repeal.** That Sections 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399 and 2400, Compiled Laws of Utah, 1907, are hereby repealed.

Approved March 23, 1909.

CHAPTER 117.

TRANSIENT STOCK.

An Act Defining and Classifying Transient Stock and Providing for the Assessment, Collection and Distribution of Taxes on the Same, Providing Penalties for Violation of its Provisions and Repealing Sections 2537, 2538, 2539, 2541, 2542, 2542x, 2542x1, 2542x2, 2542x3, 2542x4, 2542x5, and 2542x6, Compiled Laws of Utah, 1907.

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

**SECTION 1. Transient Stock Defined.** That for the purposes of taxation as hereinafter provided, transient stock shall be deemed to be:

First. All stock brought into the state by any person or persons other than bona fide residents thereof, for the purpose of being grazed any length of time exceeding twenty days.

Second. All stock, whether owned by residents or non-residents of the State, which are driven or removed from one county to another for the purpose of being grazed, any length of time exceeding twenty days.

**Sec. 2. Persons Bringing Live Stock into this State Must File Certificate.** It shall be the duty of every person or persons bringing live stock into any County of the State for the purpose of being grazed, for any length of time exceeding twenty days, to set out a certificate signed by such person or persons or their agents, showing the number and kind of live stock, with the marks and brands on the same, and file said certificate with the County Assessor of the County into which said live stock shall be brought, which certificate shall be substantially in the following form:

State of Utah, County of ..... ss.  
I, ....., of .....  
hereby certify that on the ..... day of ....., 19..,  
I brought into the County of ....., from the State of .....  
..... head of ....., branded ..... on the.....  
and marked as follows:  
Dated this ..... day of ....., 19..  
Signed .....  
By .....  
Agent.

**Sec. 3. Duty of Assessor.** It shall be the duty of the assessor, upon said certificate being filed, to keep an index of the same in his office, and if the assessment rolls are in his possession or in the possession of

the auditor or treasurer of the County, he shall, as county assessor, enter an abstract of such certificate on the assessment roll for the current year and issue a certificate of assessment.

**Sec. 4. Id. Taxes of Non-resident Owner to be Paid in Advance.** Every person or persons other than bona fide residents of the State bringing live stock into the State for the purposes of being grazed for any length of time exceeding twenty days, shall be required by the assessor of the County where such certificate is filed, to pay the taxes in advance, computed on the rate of the previous year, in the same manner as collecting in advance on other property; and every person or persons, other than bona fide residents of the State, who have live stock in the State which graze in more than one county of the State, shall be required by the assessor of the County where they are first found after the first of the year, to pay the taxes in advance, computed in the same manner as on other stock mentioned in this section, which money shall be deposited with the County Treasurer and the roll marked by the assessor so as to show such payment; provided, that any person so certifying to the ownership of transient stock, and person so assessed for transient stock, may, in lieu of paying the taxes in advance, execute a bond to such County, with two or more sureties, to be approved by the assessor and filed with the treasurer, conditioned, that such person will regularly and punctually pay all taxes which may become due thereon during the year.

**Sec. 5. Taxes on Live Stock Owned by Residents. When Payable.** The taxes on all live stock owned by residents of the State and driven from one county to another for the purpose of being grazed, shall be paid in the county where owned, provided, said live stock are grazed in said county for a period of thirty days or more, but in case said stock are not grazed in the county where the owner resides for a period of thirty days, they shall be assessed in the county where the owner has the largest acreage of grazing lands, and it shall be the duty of the assessor of each county to list all such transient stock owned by residents of the State on a listing blank before February fifteenth of each year, and transmit said list to the assessor of the county in which the owner resides, and the assessor of the county where said stock are owned shall acknowledge receipt of said list and shall assess them and enter said assessment on the assessment roll of said county, and assess against said stock any special school tax which may have been levied in the school district in which said stock are owned, and the same shall be collected by the treasurer of the county in which said stock are owned; provided, that at the time of listing of said stock by the assessor of the county where the stock are first found during any year, the

person owning or in possession of said stock shall be required, by the said assessor, to pay the taxes in advance, or in lieu thereof, execute a bond to said county, with two sureties to be approved by said assessor and filed with the treasurer of said county, conditioned, that the said owner or agent will regularly and punctually pay all taxes which may become due on said stock in the county where the owner resides; provided, further, that if the said owner, who is a resident of the State, shall deliver to the assessor making such listing, a certificate signed by the County Clerk where the said owner resides, showing that said owner's name appears on the registration list used for the last general election preceding said listing of stock and that said owner paid taxes on real estate for the year previous for said listing of stock, in the county where he resides, then the owner shall not be required to pay the tax in advance or give bond to secure said tax. If the owner of said stock pays the tax in advance, the money shall be deposited by the assessor with the county treasurer and by him transmitted to the treasurer of the county in which the owner of the stock resides. If a bond be given to the listing county, or the certificate of residence be filed with the assessor of said listing county, then, when the tax is paid to the treasurer of the county where said stock are owned, he shall certify to the treasurer of the county which took the bond, or received the certificate of residence that the tax has been paid with the date and amount thereof.

**Sec. 6. Assessor to Furnish Owner with Certificate.** It shall be the duty of the County Assessor of each county at the time of listing, or of assessing any transient stock to furnish the owner of such transient stock, or his agent with a certificate and such copies as the owner or his agent may require, showing the time and place, number and description of the animals listed or the animals assessed, whether the taxes were paid in advance or a bond given, and to what county the list was sent, if any, provided, that residents of the State and other persons shall have complied with the provisions of Secs. four and five, respectively, of this Act before they shall be entitled to such certificate. Such certificate shall be substantially in the following form:

State of Utah, County of ..... ss.

I, ....., do hereby certify that I am the assessor of ..... County, State of Utah; that I have this day (assessed or listed, and list is transmitted to ..... County) for the year 19..... head of ..... branded ..... on ..... and marked as follows ..... the property of ..... a resident of ..... County, State of .....



The owner has (Paid the taxes in advance, or )  
 (given a bond to secure the taxes, or ) for the  
 (filed a certificate of residence )  
 year 19.....

Dated this ..... day of ..... 19.....

.....  
 Assessor.

By .....  
 Deputy.

**Sec. 7. Certificate of Residence.** It shall be the duty of the County Clerk of any County of this State, when requested to do so and tendered the same fee as provided for certifying to the official character of a notary public, to issue the certificate of residence mentioned in Section five of this Act, which certificate shall be substantially in the following form:

I, ....., clerk of ..... County, Utah, hereby certify that the name of ..... appears on the registration list of district No. .... of ..... precinct, ..... County, Utah, which was used for the general election of 19...., and that said name was on the assessment roll of this county for real estate for the year 19...., and the taxes on said real estate were paid.

Signed .....

(Seal) Clerk of ..... County, Utah.

**Sec. 8. Removal of Stock to Another County.** Whenever the owner of any transient stock or his agent shall drive or remove any such stock into another county for grazing purposes he shall not be required to pay any additional taxes on such stock to such county into which they are driven or removed, provided that such owner or his agent shall file with the County Assessor of such county, a copy of the certificate set forth in Section six, together with a statement from said owner or his agent showing the date when such stock were brought into said county and the date when they will probably leave said county, and such certificate and statement must be filed within twenty days from date of entry in each county, into which said stock are driven or removed in order to claim exemption from further taxation.

**Sec. 9. Settlement Between Counties.** It shall be the duty of the assessor of each county wherein such certificates and statements have

been filed, to make a demand, during the month of January, upon the assessor and commissioners of the county where the tax was collected during the previous year on certain transient stock, claiming from such county such proportion of the taxes as the time during which such live stock ranged in said county, will bear to the whole of the year, which said account, after deducting therefrom the cost of assessing and collecting the same which shall not exceed five per cent of said account and shall be paid by the county receiving the entire tax; provided that no portion of the tax collected for State and State school, district school or municipal purposes shall be considered in this connection. Accompanying said demand the assessor shall send certified copies of the certificates and statements upon which said claim is based.

**Sec. 10. Assessment of Stock Omitted from First Assessment.** If the assessment in the county where first made is not full, then the assessor of any other county in which said transient stock may be ranging is authorized to assess such stock to the number omitted on the previous assessment, and the taxes on the number so assessed shall be paid in the county where such last assessment is made.

**Sec. 11. Civil Proceedings Against Owner or Person in Charge.** It shall be the duty of the County Commissioners of the county in which such live stock shall be kept and herded without having first complied with the provisions of this Act, upon receiving satisfactory information of such fact, to institute such civil action in the name of the county against the person so keeping or herding such live stock, or his agent. If the owner of such live stock be not known to such commissioners, it shall be lawful to make an agent the person, or any person having care and custody of such live stock, the defendant in such action, and the service of the summons upon such agent, or person having the care of such live stock shall be considered and held to be personal service on the owner thereof.

**Sec. 12. Removal of Stock While Action is Pending. Penalty.** If any person having the care or custody of such live stock shall, pending an action instituted as provided in the last section, drive or move said live stock out of the county with intent to move the same out of the State, or with intent to evade the payment of any tax or fine mentioned in this Act, upon affidavit to that effect being made and filed in this action, being brought to recover said tax or fine herein provided, writs of attachment may issue as in civil actions, and the proceedings therein shall be as in other cases, except that no undertaking on attachment shall be required; and in addition thereto, any person so driving or moving such live stock shall be punished by a fine of not less than ten dollars nor more than three hundred dollars, or by imprisonment in the county jail for

not exceeding three months, or by both such fine and imprisonment, for each and every offense.

**Sec. 13. Failure to File Certificate and Pay Tax on Live Stock Brought into this State. Penalty.** Any person named in Section two of this Act, or his agent, who shall bring any live stock into this State for grazing purposes, and shall keep and herd the same in any county of this State without first filing said certificate, and without paying the tax as hereinbefore provided, or giving the bond as named in Section four of this Act, shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, and shall further forfeit and pay the taxes for the use of said county, which said tax shall be collected by civil action in the name of the county in which said live stock are, or were so kept and herded.

**Sec. 14. Id. From One County into Another. Penalty.** Any person or his agent, bringing live stock from one county in this State into another county for grazing purposes, without filing the statement and certificate as provided by Section eight of this Act, within twenty days after said live stock have crossed the county line, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars, or imprisonment in the county jail not to exceed sixty days, and in addition thereto, said live stock shall not be exempt from taxation in the county in which the stock have been driven.

**Sec. 15. Stock Ranging or Grazing in Another State.** Where live stock owned by bona fide residents of this State have been ranged or grazed in an adjoining state for a portion of the year, and the owner of said live stock has been assessed and paid taxes on said live stock in said adjoining state, upon the owner making satisfactory proof of the time during which his live stock has been ranged during such year in said adjoining state there shall be re-paid by the county collecting such tax to the owner, such proportion of the tax as the time said stock was out of the State bears to the entire year.

**Sec. 16. Id. Taxes to be Credited to Special Fund.** For the purpose of meeting such rebates the assessor of each county in the State is hereby directed that all moneys collected from taxes on such transient stock shall be immediately deposited with the treasurer of said county, and accompany such deposit with the auditor's certificate, which shall set out the amount of such tax, the number, kind, and owner of such stock, which amount shall be charged by the clerk and credited by the treasurer to a special fund hereby created, and which shall be known as the migratory stock fund, such fund shall be reported in all reports to the clerk and treasurer, but the funds therein shall be considered as de-

posit funds, and shall not be included in such reports and balances as public moneys.

**Sec. 17. Assessor Shall Report. Apportionment of Funds.** On or before the first Monday in December of each year, the assessor shall report the auditor the net amount in such migratory stock fund, and the amount thereof due the several revenue districts in his county, and thereupon the auditor shall apportion the net amount in said fund among the several funds entitled thereto, and charge the migratory stock fund therewith, and shall certify said apportionment to the treasurer, who shall transfer the balance in said fund accordingly, and credit the migratory stock fund with such net amount.

**Sec. 18. County Official Failing to Perform His Duty. Penalty.** Any County officer or member of Board of County Commissioners or Board of Equalization who shall fail to perform the duties prescribed by this Act, shall be liable on his official bond for any amount of loss caused by the failure to perform his said duties.

**Sec. 19. Provisions of this Act not Applicable to Stock in Transit Through State.** The provisions of this Act shall not apply to any live stock in transit through this State by railroad, nor to any live stock owned by residents of this State being driven through any County of this State to their grazing grounds; provided such stock do not remain in any such County for any length of time exceeding twenty days.

**Sec. 20. Repeal.** Sections 2537, 2538, 2539, 2540, 2541, 2542, 2542x, 2542x1, 2542x2, 2542x3, 2542x4, 2542x5 and 2542x6, Compiled Laws of Utah, 1907, be and the same are hereby repealed.

Approved March 22, 1909.

## CHAPTER 118.

## POWERS OF COUNTY COMMISSIONERS AS TO ROADS.

An Act Defining Powers of County Commissioners as to Roads; Appointing County Road Commissioner, Defining His Duties, Providing an Annual Road Poll Tax; Specifying Who Shall be Liable and Manner of Collecting and Expending the Same, Repealing Chapter 2, Title 30, and also Title 64, Compiled Laws of Utah, 1907.

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

**SECTION 1. Powers of County Commissioners as to Roads.** Each Board of County Commissioners shall, by proper regulations:

1. Appoint a County Road Commissioner biennially, fixing his compensation, and shall have the power to remove him for cause.
2. Cause to be surveyed, viewed, laid out, recorded, opened, maintained and worked, such public roads as are necessary for public convenience.
3. Abolish or abandon such public roads as are unnecessary for the use of the public.
4. Contract for, purchase, or otherwise acquire, when necessary, rights of way for public roads over private property, and may institute proceedings for the acquirement of said rights of way as provided by law.
5. Cause to be enacted and maintained on such roads as they may designate, milestones or posts, and guide posts properly inscribed.
6. Designate the public roads to be maintained by the County within or extending through each incorporated city or town, which in no case shall be more than three in the same direction.

**Sec. 2. County Clerk to Keep Record.** The County Clerk must keep a book in which must be recorded all orders of the Board of County Commissioners relative to all County roads, including orders for laying out, opening and altering roads, all contracts and all other matters pertaining thereto.

**Sec. 3. County Road Commissioner. Oath. Bond.** The County Road Commissioner shall receive notice of his appointment from the County Clerk, and within twenty days thereafter must qualify as such by taking and subscribing the oath of office and giving a bond to the County in such sum as may be determined by the Board of County Commissioners, and approved by them, and filed with the County Clerk.

A certificate of the County Clerk under his seal that the appointment has been made, the required bond filed, and the oath of office taken shall constitute a commission and shall authorize the person named therein to discharge the duties of County Road Commissioner until superseded.

**Sec. 4. Id. Powers and Duties.** The County Road Commissioner, under the direction and supervision of the Board of County Commissioners, shall:

1. Take charge of the public roads within the County, and employ and direct such competent help as may be necessary to properly perform his duties.

2. Prepare and submit to the County Commissioners for their approval plans, specifications and estimates for any road construction to be made in the County on County roads. After the approval by the County Commissioners of the plans, specifications and estimates provided herein, the work of construction growing out of such approved plans, specifications and estimates shall be wholly within the authority of the County Road Commissioner.

3. May assist in the supervising and constructing of State roads under the direction and control of the State Road Commission.

4. Keep the roads clean of obstruction and in good repair.

5. Cause the roads to be graded, and bridges and causeways to be built wherever necessary, and keep the same in repair and renew them when necessary.

6. Give notice to all persons in the several precincts liable to the payment of road poll tax, stating when due and where to be paid.

7. Collect personally or by authorized agent, the annual road poll tax.

8. Make to the Board of County Commissioners, on or before the first Monday in December of each year, a written report showing:

First. Name of each person assessed for road poll tax in each precinct.

Second. The amount of tax collected by suit or otherwise, and the names of all delinquents from whom collection has been enforced.

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

Fourth. The amount of money expending in each precinct and a detailed description of improvements made.

Fifth. A general description of the condition of the public roads in each precinct.

Sixth. An accurate account of the time he himself and his agents have been employed, and the nature and items of the service rendered.

**Sec. 5. Special Reports.** The Board of County Commissioners may at any time require special reports from the County Road Commissioner.

**Sec. 6. Road Poll Tax.** Two dollars lawful money is an annual Road Poll Tax upon every man over twenty-one and under fifty years of age, not physically incapacitated to work and not exempted by law. Within incorporated cities or towns, said Road Poll Tax may be collected and expended under such regulations as may be by the City ordinance prescribed in road improvements. All Road Poll Tax, except such as is collected by incorporated cities or towns, shall be paid into the County Treasury and shall be expended under the direction and pursuant to the order of the Board of County Commissioners of the County, in making and improving roads.

**Sec. 7. Id.** The County Road Commissioner shall, prior to the first day of April of each and every year, give written notice to every person in the County subject to the payment of Road Poll Tax that said tax is due and payable on or before the third Monday of April of each year; and all persons so notified must pay the said Road Poll Tax to the County Treasurer on or before the date when due. The County Treasurer shall issue a receipt to each person upon payment of said tax. All persons moving into the County after April first of each and every year, who shall be subject to the payment of said tax must, upon receiving written notice from the County Road Commissioner that said tax is due, pay the same to the County Treasurer within ten days after such notification. Provided, that said Road Poll Tax shall become due and payable on demand to the County Road Commissioner in cases of transients or non-residents of the County at the discretion of the said County Road Commissioner.

**Sec. 8. Id. Failure to Pay.** Any person subject to the payment of said Road Poll Tax who shall fail to pay the same as provided in Section seven of this Act shall be delinquent, and the County Road Commissioner shall proceed to collect the same by an action in the name of the County, and no property or wages belonging to such person shall be exempt from execution therefor.

**Sec. 9. Id. Road Commissioner to Furnish County Treasurer with**

**List of Names.** The County Road Commissioner shall furnish the County Treasurer with a list of the names and addresses of each and every person subject to the payment of the said Road Poll Tax on or before the first day of April of each and every year and also the name and address of each person notified after the first of April, as soon as such notification is given.

**Sec. 10. Exemptions.** Any member of any regular volunteer unpaid fire company, at present organized, or that may hereafter be organized, as provided by the ordinance of any city in the State of Utah, who has been or may hereafter continue in the service in said company, is hereby exempt from the payment of Road Poll Tax, during the time of such service. The Secretary of said fire company shall issue to each member thereof a certificate giving name, age, and term of service, whether active or retired, properly signed by the officers of said company, which certificate shall upon presentation to the County Treasurer be a proper authority for said Treasurer to issue a receipt for the current year to the person presenting the same.

**Sec. 11. Id.** Every officer, non-commissioned officer, musician and private of the National Guard of Utah, shall be exempt from Road Poll Tax during the time he shall hold a commission as officer or be enrolled as an enlisted man in the National Guard of Utah.

The Captain of any Company of the National Guard of Utah shall furnish to any County Commissioners on request, the names of the officers, musicians, and privates of his company.

**Sec. 12. Repeal.** Chapter 2, Title 30, and Title 64, Compiled Laws of Utah, 1907, are hereby repealed.

Approved March 23, 1909.

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## CHAPTER 119.

### STATE ROAD COMMISSION.

An Act Creating a State Road Commission, Defining its Duties, Creating a System of State Roads, a State Road Building Fund and Providing for its Expenditure, and Repealing Chapter 4, Title 30, Compiled Laws of Utah, 1907.

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

**SECTION 1. State Road Commission Created.** There is hereby cre-



ated a State Road Commission, consisting of the Governor of the State, the State Engineer, the State Treasurer, one member of the faculty of the Agricultural College of Utah selected by the Board of Trustees of said institution, and one member of the faculty of the University of Utah, selected by the Board of Regents of said institution, all of whom shall serve without compensation.

**Sec. 2. Powers and Duties.** The duties of the State Road Commission in the construction and maintenance of the State roads shall be as follows:

1. Select the roads which shall comprise the system of State roads as provided in this Act.

2. Have direct charge of the expenditure of all appropriations given to or acquired by the State as a State Road Building Fund.

3. Furnish plans, specifications and estimates for permanent road construction and all necessary information with respect to road building on application of the County Commissioners.

4. Prepare and issue a comprehensive manual of road building for the information and guidance of all officials having supervision of such work.

5. Keep all records, maps, profiles and papers in the office of the State Engineer, for public inspection and reference.

6. Submit a report biennially to the Governor of all expenditures for road purposes with the results; also the general condition of the roads of the State with recommendations at least thirty days prior to the regular session of the Legislature.

**Sec. 3. Existing County Roads May Become Part of System of State Roads.** Any of the existing County roads of this State which may hereafter be designated by the State Road Commission in accordance with the provisions of this Act, shall become part of the system of State roads; provided, that not more than one of such roads running in one general direction shall be made part of the said system of State roads, nor shall the streets of any city of the first or second class be made a part of such system.

**Sec. 4. County Maps to be Prepared Upon Application.** Upon application of the State Road Commission, the County Commissioners

shall have prepared a map of the County, showing the location of all the County roads, and shall designate on said map the roads upon which there is the most traffic and travel, both locally and with adjoining Counties. Said map shall be prepared according to the instructions of the State Road Commission, shall be certified to as to its correctness by the County Surveyor, approved by the County Commissioners and filed with the State Road Commission within six months from the date of the request of said Commission.

**Sec. 5. Designation of Roads to Form Part of System.** From the maps furnished by the County Commissioners supplemented by such other information as the State Road Commission may have, said State Road Commission shall designate which roads shall form a part of a system of State roads. After having selected such roads, the State Road Commission shall have prepared a map of each County, designating thereon the roads so selected, approving the same, and shall file a copy of said map with the County Recorder of each County. The roads so designated shall be known as "State Roads," and all other roads designated on the map furnished by the County Commissioners shall be known as "County Roads."

**Sec. 6. State Appropriation. Proportionate Amounts to be Paid by Counties.** There is hereby set apart as a State Road Fund, from the general revenue of the State, the sum of Twenty-seven Thousand (\$27,000.00) Dollars annually, and such other revenues as may be by law provided. Said fund shall be available for the construction of State roads in each County of the State in equal proportions.

The State Road Commission shall require Counties of an assessed valuation under \$2,000,000, to duplicate one-fourth of the amount of the State Road Fund available for use in said County. And Counties of an assessed valuation of more than \$2,000,000 and less than \$4,000,000.00 to duplicate one-half of the amount of the State Road Fund available for use in said County, and Counties of an assessed valuation of more than \$4,000,000.00 may be required to duplicate the full amount of the State Road Fund available for use in said County; but this shall not be construed to mean that the County Commissioners shall not have the authority to appropriate any amount of money they may desire to be used in connection with the State Road Building Fund available for use in said County, the said County appropriation to be expended by the State Road Commission within said County.

Notice of intention to engage in State road construction in any County to the whole amount of the State Road Building Fund available for said County, or any part thereof, shall be filed by the State

Road Commission with the County Commissioners not later than March 1st of each year.

Said notice shall contain a statement of the amount of money available in the State Road Building Fund for use in the County, the section of State road in said County which is to be improved, together with a statement of the amount of funds required from said County as provided in this section. Within sixty days from the date of said notice, the County Commissioners shall notify the State Road Commission of the amount of money which the County will provide for the improvement of the section of the State road designated for construction.

Should the said County Commissioners fail to comply with the requirements of said notice within the time specified, thereupon said County will forfeit its right to its proportion of the State Road Building Fund for that year; provided, that the State Road Commission may grant an extension of time for compliance with the requirements of said notice, not exceeding thirty days additional.

The County shall be responsible for the amount of money which is specified in the reply of the County Commissioners to the request of the State Road Commission as provided herein.

The appropriation from the County for the purpose of construction of State roads as herein provided, shall, as the work progresses, be paid by the County Commissioners upon requisitions issued by the engineer in charge of such construction, approved by the State Road Commission.

Should the County default in the payment of said moneys as herein provided, the State Road Commission is hereby authorized to collect such amount of default from any moneys due said County in the hands of the State Treasurer.

All money paid by the State Road Commission from the State Road Building Fund as herein provided, shall be by warrant of the State Auditor upon requisition issued by the State Road Commission. If on June 1st of each year there shall remain any balance in the State Road Building Fund that has not been apportioned, it shall be carried over to the following year.

**Sec. 7. Special Road Tax.** Whenever the State Road Commission shall decide to improve a portion of a road in any precinct of a County,

the County Commissioners are hereby authorized to levy a special road tax, not to exceed five mills, except when authorized by a majority of the property owners, on all assessable property within said precinct, said tax to be collected at the same time and in the same manner as other taxes; provided, that this tax shall not be used in lieu of the amount to be appropriated by the County, as provided in Section 6 of this Act, but shall be used in connection with the County appropriation and the State Road Building Fund.

**Sec. 8. Appropriations by National Government.** If any appropriation of moneys by the National Government shall become available to this State Road Building Fund, it shall be distributed to the several Counties conformably to the terms of this Act.

**Sec. 9. Gifts, Bequests, Etc.** Gifts, bequests and donations by individuals, corporations or societies, to the State for road building purposes, shall become part of the State Road Building Fund and shall be expended according to the provisions of this Act. Such gifts, bequests or donations made to a County shall be expended under the direction of the County Commissioners.

**Sec. 10. Plans, Specifications and Estimates.** The State Road Commission shall make plans, specifications and estimates preparatory to the improvement of any State road and may provide that the construction work be done by contract, in which event the State Road Commission shall advertise for and receive sealed proposals for said work, which proposals shall be opened at a stated time and place, and then and there said State Road Commission shall open said proposals and may award the work to the lowest responsible bidder, conditioned upon said bidder signing a contract and giving a good and sufficient bond for the faithful performance of the work.

**Sec. 11. Repairs.** The State roads in each County shall be kept in a condition of good repair by the County.

**Sec. 12. Engineering Machinery, Apparatus, Etc., Available.** It is hereby provided that the engineering machinery, apparatus and the force of mechanics and instructors operating the same in the University of Utah and the Agricultural College of Utah shall be at the disposal of the State Road Commission and that any member of the faculties of said institutions shall furnish any information or assistance desired upon request of the State Road Commission, said service and information to be furnished without compensation.

Sec. 13. "Road" Defined. The term "road" as used in this Act, shall be any highway, street, avenue, road, lane or alley over which the County Commissioners have jurisdiction.

Sec. 14. Repeal. Chapter 4, Title 30, Compiled Laws of Utah, 1907, is hereby repealed.

Approved March 23, 1909.

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## CHAPTER 120.

### SPECIAL ROAD DISTRICT TAX.

An Act Defining the Powers of County Commissioners Relative to Special Road District Tax for the Construction of Gravel Macadam and Paved Roads.

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

SECTION 1. **Special Road Districts.** County Commissioners shall have the power to divide the County into special road districts as occasion may require, for the purpose of permanently constructing the roadway space on any State road or any County road, by graveling, macadamizing or paving the same.

Sec. 2. **Cost of Grading, Etc. How Assessed.** The cost of graveling, macadamizing or paving the roads within any special road district as provided in Section 1 of this Act, except the intersection of roads within such districts, shall be assessed upon the lots and lands abutting upon the roads in such district, at so much per acre or fraction thereof; provided, that not more than twenty-five per centum of the cost of such graveling, macadamizing or paving shall be assessed against such property owners, and provided further, that no property shall be included in such special road district that is distant from the road to be improved more than one-half the distance from said road to a parallel State or County road, provided further, that the tax for road construction as provided in this section shall be as follows:

Fifty per centum of said tax shall be levied upon the property taxable for such purpose that lies adjacent to said road and within one-third of the distance from said road to the farther boundary of property taxable for said road construction; thirty per centum of said tax shall be levied upon property within the middle third of the distance from

said road to the farther boundary of the property taxable for said road construction and twenty per centum of said tax upon property lying in the outer third of the distance from said road to the farther boundary of the property taxable for said purpose.

**Sec. 3. County Commissioners Shall Give Notice.** In all cases before the levy of any tax as provided in this Act, the County Commissioners shall give notice of intention to levy said tax naming the purpose for which the tax is to be levied, dividing the improvements proposed, the boundaries of the district to be affected or benefited, the estimated cost of such improvements and designating a time when the County Commissioners shall consider the proposed levy, which notice will be published at least twenty days in a newspaper published within said County and having general circulation within said County; provided, that in Counties where there is no newspaper for publication of said notice, the County Commissioners shall have at least five such notices posted in conspicuous places within the boundaries of said special road district.

If at or before the time so fixed, written objection to such improvement signed by owners of property upon which two-thirds of the proposed tax is to be levied for such improvement, be not filed with the County Clerk, the County Commissioners will be deemed to have acquired jurisdiction to proceed to levy and collect such tax.

**Sec. 4. Notice of Tax to be Mailed. Equalization.** Whenever the County Commissioners shall levy any tax under the provisions of this Act and after the completion of the lists of the property in such district so taxed, the County Commissioners shall mail notice of said tax to each person liable therefor, which tax shall be based on the assessed valuation of the land in said district, which notice shall state the time and place of meeting of said Board during the usual business hours and for not less than three consecutive days that County Commissioners shall sit as a Board of Equalization and Reviews and any person feeling aggrieved shall have a hearing and the Board of County Commissioners shall have authority to make corrections of any tax deemed unequal or unjust.

**Sec. 5. Special Assessments Levied to Constitute a Lien.** Special assessments made and levied under the provisions of this Act, and the cost of collecting the same, shall constitute a lien upon and against the property upon which such assessment is made from and after the date thereof and such assessment shall be collected in the manner prescribed by ordinance.

**Sec. 6. Time and Manner of Collecting Tax.** The Board of County Commissioners shall by ordinance prescribe the time and manner of collecting the said special road tax as provided in this Act together with rules and regulations governing delinquencies.

Approved March 22, 1909.

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## CHAPTER 121.

### INSURANCE.

An Act Providing for an Insurance Department, Enacting an Insurance Code and Regulating Insurance Companies and their Business, and Fixing Certain Fees to be Charged and Collected by the Commissioner of Insurance, and Repealing Sections 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 422x, 422x1, and 422x2, Compiled Laws of Utah, 1907, Relating to and Regulating Insurance Companies and Their Business.

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

**SECTION 1. Sections Repealed.** That Sections 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 422x, 422x1, and 422x2, Compiled Laws of Utah, 1907, be, and the same are hereby repealed.

**Sec. 2. Company or Insurance Company Defined. Domestic, Foreign Defined. Commissioner Defined.** That in this Act, unless the context otherwise requires, "Company" or "Insurance Company" shall include all corporations, associations, partnerships, or individuals engaged as principals in the insurance business, excepting fraternal and benevolent orders and societies.

"Domestic" designates such companies when incorporated under the laws of the State of Utah. "Foreign," when used without limitations, designates such companies when organized or incorporated under authority other than the State of Utah.

The word "Commissioner" as used in this Act, shall designate the Commissioner of Insurance. Whenever in the laws of Utah which are not repealed by this Act, other titles are used to designate the chief officer and the second officer of the Insurance Department, such titles shall be understood as meaning the Commissioner of Insurance as hereinafter defined by this Act.

**Sec. 3. Insurance Department Organized.** That the Insurance Department of the State of Utah is hereby organized and established as hereinafter provided as a separate and distinct department charged with the execution of all laws in relation to insurance companies doing business in this State.

**Sec. 4. Commissioner of Insurance. Term. Salary. Removal.** Upon the approval of this Act, the Governor shall, by and with the consent of the Senate, appoint a Commissioner of Insurance, who shall be the chief officer of the Insurance Department, whose term of office shall expire upon the last day of February, A. D. 1913, and then and thereafter the Governor shall appoint the Commissioner of Insurance, whose term of office shall be four (4) years from the first day of March in the year of his appointment, and until his successor is appointed and qualified. The Commissioner shall be an elector of the State of Utah, and actually experienced in the insurance business, and his salary shall be and is hereby fixed at twenty-five hundred dollars per annum, payable quarterly. The Governor shall have the power, and it is hereby made it his duty, to remove the said Commissioner for neglect of duty, breach of trust, incompetence, or malfeasance in office, upon reasonable cause shown; and in case of such removal, the Governor shall file in the office of the Secretary of State, and report to the next session of the Legislature, the reason for such removal.

**Sec. 5. Clerical Assistance.** The Commissioner with the consent of the State Board of Examiners shall, from time to time, employ such clerical help as will enable him to carry on the business of the department with accuracy and dispatch.

**Sec. 6. Actuary.** Whenever necessary, the Commissioner shall employ an Actuary, who shall be experienced and skilled and fully competent to perform the actuarial duties of the department, and to assist in or take charge of the examinations of Insurance Companies under the general direction of the Commissioner.

**Sec. 7. Commissioner and Actuary Not to be Interested in Any Insurance Company.** Neither the Commissioner, the Actuary, nor any employee of the Department, shall be directly or indirectly employed by any insurance company, association or society doing business in this State; in any capacity, or be directly or indirectly interested in any such insurance corporation, except as a policy-holder; nor shall they or any of them charge any such insurance corporation or official any fee or take any valuable thing in payment for any service whatsoever, unless payment for such service is specifically authorized by law. The penalty for violation of this section shall be removal from office.



**Sec. 8. Oath. Bond.** The Commissioner shall, before entering upon his duties, take and subscribe the oath required by the Constitution of Utah and shall give bonds to the State of Utah in the sum of fifteen thousand dollars, to be approved by the Governor and Attorney General, conditioned for the faithful and impartial discharge of his duties, which oath and bonds shall be filed in the office of the Secretary of State.

**Sec. 9. Seal.** The Commissioner shall devise a seal, to be approved by the Governor, the said seal to be surrounded by the words "Commissioner of Insurance for Utah," an impression of which shall be filed in the office of the Secretary of State. Every certificate or other paper executed by said Commissioner in pursuance of any authority conferred upon him by law, and sealed with his seal of office, and all copies of papers certified by said Commissioner and authenticated by said seal, shall in all cases be evidence equally in like manner as the original thereof and shall have the same force and effect as the originals would in any suit or proceeding in any court of this State.

**Sec. 10. Office at State Capital. Equip Offices. May Employ Persons to Make Examinations.** The said Commissioner shall have an office at the State Capital, and shall procure necessary furniture, safe, stationery, postage, printing and such other appliances as may be necessary for the transaction of the business of his office, and may employ persons to make personal examinations of the condition and affairs of insurance companies when necessary as required by law and whenever he may think necessary he shall call upon the Attorney General of the State for legal counsel and such assistance as may be necessary to enforce the provisions of this act.

**Sec. 11. Records to be Public. Books and Documents to be Transferred to Commissioner.** The office of said Commissioner of Insurance shall be deemed a public office, and the records, books, and papers thereof, or on file therein, shall be deemed public records of the State. All books and documents and all other papers whatever in the office of any of the officers of the State relating to insurance except such papers as are mentioned in Sec. 351, Compiled Laws of Utah, 1907, shall, on demand, be delivered and transferred to the Commissioner of Insurance, who shall give a receipt for same, which shall be a full release from all responsibility in connection with such documents, books and papers.

**Sec. 12. Duties of Commissioner.** It shall be the duty of the Commissioner to file in his office and safely keep all books and papers re-

quired by law to be filed therein, and to keep and preserve in permanent form a full record of his proceedings, including a concise statement of the condition of such insurance companies reported and examined by him, to issue certificates of authority to transact insurance business to any insurance companies which have fully complied with the laws of this State, and to issue such other certificates as are required by law in the organization of insurance companies and the transaction of the business of insurance, and generally to do and perform with justice and impartiality all such duties as are or may be imposed on him by the laws in relation to the business of insurance in this State. He shall annually, at the earliest practicable date after the returns are received from the several companies, make a report to the Governor of the affairs of the Insurance Department, which report shall contain a tabular statement and synopsis of the several statements as accepted by the Commissioner and such other matters as in his opinion may be of benefit to the public, and shall make such recommendations as he may deem proper in regard to the subject of insurance in this State, and shall set forth in a statement, verified by oath and the certificate of the Auditor of the State, the various sums received and disbursed by him from and to whom and for what purpose. Copies of such report shall be published by and subject to the order of said Commissioner at the expense of the Department. The Commissioner shall furnish, within ninety (90) days after entering upon the discharge of the duties of the office, all the insurance companies doing business in this State, a copy of this Act, and shall annually, in November, furnish such companies blanks for the filing of statements as required by law. The Commissioner, on retiring from office, shall deliver to his qualified successor all furniture, papers and property pertaining to his office.

**Sec. 13. Id. Securities.** The Commissioner shall receive and hold on deposit, in the manner provided in this Act, the securities of domestic companies, which are deposited by any such company to comply with the law of another State to enable such company to transact business in such State, and such other deposits as are required by this Act. The Commissioner shall furnish under his hand and official seal to such company a certificate, certifying that he holds said securities in trust for the benefit of the policy-holders of such company.

**Sec. 14. Id. Securities. How Kept.** The Commissioner of Insurance shall give vouchers for all securities deposited with him to the company depositing them, the value and sufficiency of which such securities shall be determined by him. It shall be the duty of the Commissioner, upon receipt of such securities from any insurance company, to forthwith deposit the same, in the presence of the president or au-

thorized agent of the company, in a strong box, which shall require two distinct and different keys to unlock the same; one key to be kept by the Commissioner, and the other by the company; and the box shall not be opened except in the presence of the Commissioner and the said president or authorized agent of the company. The boxes shall be placed in the vault of a safe deposit company or national bank in the City of Salt Lake, to be selected by the Commissioner, and the Insurance company shall pay the several fees for the safe keeping of the several boxes. So long as the company so depositing shall continue solvent, the Commissioner shall permit such company to collect and receive the interest and dividends on its securities so deposited and transferred, and from time to time to withdraw any such securities on depositing other securities instead of those to be withdrawn, such new securities to be at least of equal value with those withdrawn. If the Commissioner shall wilfully fail, refuse or neglect to faithfully keep, deposit, account for or surrender in the manner by law authorized or required any such securities as aforesaid transferred to and received by him, or under his custody under the provisions of this act, or shall wilfully fail, refuse or neglect to furnish proper certificates of the securities so held by him, as herein provided, said Commissioner shall be responsible upon his official bond, and suit may be brought upon said bond by any person injured.

**Sec. 15. Id. Examinations.** The Commissioner of Insurance shall examine and inquire into violations of the insurance laws of this State, and for this purpose, or to see if the laws are obeyed, or to examine the financial condition, affairs and management of any company, he may visit or cause to be visited by any competent person or persons he may appoint, the head office in the United States of any domestic or foreign insurance company, applying for admission to or already admitted to do business in this State, and may for this purpose examine or investigate any company organized under the laws of Utah, and any agency of any company doing business in this State; provided, that the written consent of the State Board of Examiners must be obtained to all examinations, inquiries, or investigations made beyond the borders of the State of Utah. The cost of such examinations, when made beyond the borders of the State of Utah, shall be paid by the company examined, and shall include the reasonable expenses of the Commissioner, and assistants employed therein, whose services are paid for by the department, and the compensation and reasonable expenses of his assistants employed therein, whose services are not paid by the Department. Duplicate receipts showing the entire costs of the examination authorized by the Commissioner, shall be taken and certified to by the company examined, and one shall be filed with the Governor and the other shall be filed in and become a part of the public

record of the Insurance Department. When insurance companies not admitted to do business in this State or companies adjudged insolvent, or companies for any cause withdrawing from the State, neglect, fail or refuse to pay the charges for examination, as approved by the Commissioner, such charges shall be paid by the State Treasurer upon the order of the Commissioner, as provided in this Act, and the amount so paid shall be a first lien upon all the assets and property of such company, and may be recovered by suit by the Attorney General on behalf of the State of Utah, and restored to the State Treasury. The Commissioner may also examine companies upon the request of five or more of the policy-holders, representing at least \$100,000 insurance in force, who shall make affidavit of their belief, with specifications of their reasons therefor in writing, showing reasonable grounds for such belief, that such company is in an unsound or insolvent condition, provided that only the United States branches of companies incorporated in foreign countries shall be examined by said Commissioner. For the purpose of examinations, inquiries or investigations, as aforesaid, the Commissioner or the person authorized to make them, shall have free access to all books and papers of an insurance company that relate to its business and the books and papers kept by any officer, agent or employee, relating to or upon which any record of its business is kept, and may summon witnesses and administer oaths or affirmations in the examination of the directors, trustees, officers, agents or employees of any such company and any other person in relation to its affairs, transactions and conditions. He may require and compel the production of records, books, papers, contracts or other documents by attachment, if necessary. Any person knowingly or wilfully testifying falsely in reference to any matter material to said investigation, examination or inquiry, shall be deemed guilty of perjury, and punished accordingly; and any person who shall wilfully refuse or fail to attend, answer or produce books or papers, or who shall refuse to give said Commissioner or the person authorized by him full and truthful information and answer in writing to any inquiry or question made in writing by said Commissioner, or the person authorized by him, in regard to the business of insurance carried on by such person, or other matters under investigation, or refuse or wilfully fail to appear and testify under oath before the Commissioner or person authorized by him, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the County Jail not exceeding three (3) months, or by both such fine and imprisonment. Any director, trustee, officer, agent or employee of any insurance company, or any other person, who shall knowingly or wilfully make any false certificate, entry or memorandum upon any of the books or the papers of any insurance com-

pany, or upon any statement filed or offered to be filed in the Insurance Department of this State, or used in the course of examination, inquiry or investigation, with the intent to deceive the Commissioner or any person employed or appointed by him to make such examination, inquiry or investigation, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not less than two (2) months nor more than twelve (12) months in the County Jail, or by both such fine and imprisonment.

**Sec. 16. May Publish Result of Examinations. Revocation of Certificate.** When the Commissioner of Insurance deems it to the interest of the public, he may publish the result of any examination or investigation in a daily newspaper published in and of general circulation in the State. If the Commissioner finds, upon examination, hearing or other evidence, that any foreign or domestic insurance company is in an unsound or insolvent condition or has failed to comply with the law or with the provisions of its charter, or that its condition is, or its methods are, such as to render its operation hazardous to the public or its policy-holders, or that its actual assets, exclusive of its capital, are less than its liabilities, or if its officers or agents refuse to submit to examination or to perform any legal obligation relative thereto, or refuse on behalf of the company to pay the examination charges, he shall suspend or revoke all certificates of authority granted to said insurance company, and its officers or agents, and shall cause notice thereof to be published in one or more daily newspapers, which shall have a general State circulation, and no new business shall thereafter be done by it or its agent in this State, while such default or disability continues, nor until its authority to do business is restored. Before suspending or revoking the certificate of authority of any such company, the Commissioner shall, unless it is insolvent or its capital impaired, grant it fifteen days in which to show cause why such action should not be taken. Any foreign or domestic insurance company whose certificate of authority has been suspended or revoked by the Commissioner, may, within fifteen days thereafter, appeal from said order to the District Court of the district in which its principal place of business is located, which Court, upon filing the proper petition, shall cause the record and orders of the Commissioner to be brought before it, and upon a hearing of the case by the Court de novo, the Court shall either confirm or revoke the order of the Commissioner, as the law and the facts of the case may warrant.

Said Court shall have the power to make an order suspending or revoking the license of a domestic company pending the appeal, provided the company appealing shall give bond with the sureties satisfactory in Court, in such penalty as the Court may determine is just and

proper, conditioned to pay to the State and to any and all persons whomsoever any and all loss that may be sustained by reason of the stay or suspension of such order of said Commissioner; and provided further that, during the period allowed for taking such appeal, the publication of notice of the revocation or suspension of license of such domestic company as provided by this act, shall not be made, and if the order of said Commissioner has been stayed or suspended by the order of said Court, such publication shall not be made until after the discharge of such stay or until the affirmation of such order of revocation or suspension. Upon such appeal the domestic insurance company shall be entitled to a trial by jury upon all issues of fact. If the trial is by jury, the Court shall submit to the jury specific requests to find, covering the matters in issue separately, and the jury shall return special verdict upon each question submitted, and if by such verdict it shall be found the corporation, association or society is insolvent because of matured death claims or other obligations due and unpaid exceeding its assets as herein provided, or its capital has been impaired, the Court may render judgment that it and each officer thereof be perpetually enjoined from exercising any corporate rights, privileges or franchises and that it be dissolved and that a receiver be appointed, an account taken, and an equitable distribution of its property among its creditors and members be made. If no charge of insolvency is made, or if made is not established by the verdict of the jury, but it shall be found by such verdict that the corporation, association or society has exceeded its corporate powers, or failed to comply with any provisions of this Act, or has done or committed any act for which its license may be revoked or suspended under any of the provisions of this Act, or has conducted its business unlawfully or fraudulently, the Court may make and enter judgment enjoining and restraining it from the commission of such acts or such of them as the Court may determine, and in case of failure to desist therefrom within the time to be specified in such judgment, that the corporation be dissolved. Pending the trial, if no bond has been given, as herein provided, the Court may, upon motion of the Attorney General and upon notice to the corporation, association or society, grant an injunction restraining it and its officers and directors from collecting any debt or demand and from paying out or in any way transferring or delivering to any person any money, property or effects during the pendency of the proceedings, except by direction of the Court, and may appoint one or more temporary receivers in such cases. From the action of said District Court, an appeal may be taken by either the Commissioner of Insurance, or by the insurance company, to the Supreme Court of the State, as in other cases; and it shall be the duty of said District Court and of said Supreme Court to advance the hearing of said matter as far as justice and the business of the Court may permit.

**Sec. 17. Fees.** There shall be paid by every insurance company doing business in this State, to the Commissioner of Insurance, the following fees:

For filing statement preliminary to admission (foreign companies), \$50.00.

For filing certified copy of acceptance by foreign companies of the provisions of the Constitution of the State of Utah, \$3.00.

For filing any power of attorney, \$1.00.

For filing articles of incorporation and by-laws of foreign companies, and examination thereof, \$25.00.

For filing amendments to articles of incorporation and by-laws of foreign companies, and examination of, \$5.00.

For filing Annual Statement, \$50.00.

For certificate of authority to transact business in this State, \$5.00.

For each copy of certificate of authority for use of agents and solicitors, \$2.00.

For preparing synopsis of Annual Statement for publication and certifying the same, \$5.00.

For each copy of any paper filed in his office, per folio, 20 cents.

For affixing the seal of his office and certifying any paper, \$1.00.

All insurance companies engaged in the transaction of business of insurance in this State shall annually, on or before the first day of March in each year, pay to the Commissioner of Insurance 1 1-2 per cent of the gross amount of premiums received less the amount of all premiums returned, within this State during the year ending the previous 31st day of December; provided, that if any insurance company shall have paid a property tax during said year, it shall be entitled to deduct from the tax therein provided the amount of such property tax paid for general State purposes.

**Sec. 18. Taxes and Fees Provided Herein Shall be in Lieu of all Other Taxes, Etc.** The taxes and fees, as provided herein, shall be in lieu of all other taxes, licenses and fees of every kind and character by the State or any subdivision or village, town or municipality thereof.

**Sec. 19. Disposition of Moneys. Expenses.** All moneys received by the Commissioner of Insurance shall be paid into the State Treasury at the close of each month. The State Treasurer shall give duplicate receipts for all moneys thus paid into the State Treasury, one of

which shall be delivered to the Auditor of the State, and the other filed in the office of the Commissioner of Insurance. All expenses of the Insurance Department, including salaries, shall be paid upon approval by the State Board of Examiners on warrants drawn by the State Auditor on the State Treasurer. For all the payments made by him, the Commissioner shall take proper vouchers. The accounts for all receipts and disbursements made by the Insurance Department shall be audited, adjusted and a report made thereon to the Governor at the close of each year by the Commissioner of Insurance.

**Sec. 20. Duplication of Corporate Names Prohibited.** No domestic insurance company shall adopt the name of any existing company transacting a similar business, or any name so similar as to be calculated to mislead the public, but any domestic mutual or mutual assessment insurance company, may, upon complying with the terms and conditions of this Act, be reorganized and reincorporated as a joint stock company under the same name by which it was incorporated as a mutual or assessment company, with the omission of the word "mutual," and it shall be unlawful for any other company to be incorporated or transact business under or by the name under which any such mutual or mutual assessment company was operating at the time of re-incorporation.

**Sec. 21. Unlawful to Solicit Business for any Company not Authorized to do Business in this State. Penalty. Licenses. Bond.** It shall be unlawful for any person, company or corporation in this State either to procure, receive or forward applications for insurance in, or to issue or to deliver or accept policies of or for any company or companies not having been legally authorized to do business in this State, as provided in this act; and any such person, company or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall for each and every offense be punished by a fine of one hundred dollars (\$100.00) or imprisonment for two months in the County Jail, or both, in the discretion of the Court; provided, that insurance in companies not authorized to transact business in this State may be placed upon terms and conditions in this section hereinafter set forth.

The Insurance Commissioner may issue a license to any regularly licensed fire insurance agent of this State, subject to revocation at any time, permitting the person named therein to procure policies of insurance on risks located in this State for companies not authorized to transact business in this State, and for such license the Commissioner of Insurance shall collect a fee of fifty dollars for each such license and renewal thereof, and each such license and renewal shall expire on the first day of March unless revoked sooner.



Before the person named in such license shall procure any insurance in such company he shall in every case execute and file with the Commissioner of Insurance an affidavit that he is unable to procure, for a specified person, firm or corporation, in a majority of the companies authorized to do business in this State, the amount of insurance necessary.

Every person so licensed shall keep a separate account of the business done under said license, open at all times to inspection of the Insurance Commissioner, and shall file a certified copy thereof forthwith with the Insurance Commissioner, showing the exact amount and character of such insurance placed for any person, firm or corporation, the gross premiums charged thereon, the companies in which the same is placed, the dates of the policies, and the terms thereof, the location of the insured property and also a report in the same detail of all such policies canceled and the gross return thereon.

Before receiving such license, the person licensed shall execute and deliver to the Commissioner of Insurance a bond to the people of the State of Utah in the penal sum of two thousand (\$2,000.00) dollars, with such sureties as the Commissioner shall approve, conditioned that the licensee will faithfully comply with the requirements of this section, and will file with the Insurance Commissioner on or before the last day of February of each year a sworn statement of the gross premiums charged for insurance procured or placed, and the gross return premiums on such insurance canceled under such license during the year ending on the thirty-first day of December, last preceding, and will pay to the Insurance Commissioner of the State of Utah for the use and benefit of said State, an amount equal to four per cent of such gross premiums, less such return premiums so reported, and in default of the payment of any sum imposed by this section, the said Commissioner may sue for same in any court of record in this State.

Any person, firm, company or corporation for whom such insurance as herein specified shall have been effected, whenever required by the Commissioner so to do, shall produce for examination by him the policy or policies issued for such insurance and disclose to him the true amount of the gross premiums agreed to be paid therefor, and upon refusal so to do, shall forfeit to the said State of Utah, for each such refusal, the sum of two hundred dollars, to be recovered in a civil action.

All policies and insurance contracts issued without full compliance, by all parties concerned, with the laws of this State, are null and void.

Sec. 22. (1) **Must Secure Certificate of Authority Before Doing Busi-**

ness. **Revocation. Penalty.** No foreign or domestic insurance company shall transact any insurance business in this State unless it shall first procure from the Commissioner a certificate of authority stating that the requirements of the laws of this State have been complied with and authorizing it to do business. Said certificate of authority shall expire on the last day of February in each year, and shall be renewed annually if the company has continued to comply with the laws of the State.

(2) Every such company shall, through its proper officer or agent, promptly notify the Commissioner in writing of the name, title and address of each person, firm or corporation it shall appoint or employ to act as agent or solicitor in this State. Upon receipt of this notice, together with the fee required by this Act, if such person is of good reputation and character and the facts warrant it, the Commissioner shall issue to such person, firm or corporation a certificate, which shall include the name of the company requesting it, a copy of the certificate of authority authorizing it to do business in this State, and the name and title of the person to whom the certificate is issued. Such certificate, unless revoked by the Commissioner for cause, or canceled at the request of the company employing the holder thereof, shall continue in force until the first day of March, next after its issue, and must be renewed annually, provided in the event of change of agent or solicitor, said certificate may be transferred by endorsement thereon for the unexpired term.

(3) Cause for the revocation of the certificate of an agent or solicitor, may exist for violation of the insurance laws, or if it shall appear to the Commissioner, upon due proof, after notice that such agent or solicitor has knowingly deceived or defrauded a policy-holder or person being solicited for insurance, or that such agent or solicitor has unreasonably failed and neglected to pay over to the company, or its agent entitled thereto, any premium or part thereof, collected by him on any policy of insurance. The Commissioner shall publish such revocation in such manner as he deems proper for the protection of the public.

(4) A person who is not provided with a certificate from the Commissioner as an authorized agent or solicitor of an insurance company, and who, for compensation, transmits for a person other than himself an application for a policy of insurance to or from such company, shall be an insurance agent or solicitor within the intent and for the purposes of this Act, and shall therefore become liable for all duties, requirements, liabilities, and penalties to which an agent of such company is subject, and such company, by compensating such person, through any of its officers, agents, or solicitors, shall thereby accept

and acknowledge such person as its agent or solicitor in such transactions.

(5) When an application is received for a certificate of authority, for an agent or solicitor for a life insurance company for a person already authorized by the Commissioner to act for another insurance company, it shall be the duty of the Commissioner to notify the company for which such person is already authorized to act of such application, and to also notify the company by or for which the application is made, of the name of the company for which such person is already authorized to act as agent or solicitor.

(6) It shall be the duty of every person soliciting insurance in this State to comply with the provisions of this Act, relating to the procurement of certificates; and any person who solicits insurance without the certificate of authority of an agent or solicitor for the company receiving the business as required by this Act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or by imprisonment in the County Jail not exceeding two months, or both such fine and imprisonment, in the discretion of the court.

(7) Any person who shall solicit and procure an application for insurance, other than fire insurance, shall, in any controversy between parties to the contract, or between the parties to the contract and the beneficiary, if any, be held to be the company's agent, whatever conditions or stipulations may be contained in the policy or contract; but such policy may provide that no statement or declaration made to or by any agent, examiner, or other person, not contained in the application, shall be taken or considered as having been made to or brought to the notice or knowledge of the company, or as charging it with any liability by reason thereof. Such agent who knowingly procures by fraudulent representations payment of an obligation for payment of premium of insurance, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for not more than one year.

(8) An insurance agent who acts in negotiating a contract of insurance, or who collects premiums for an insurance company lawfully doing business in this State and who embezzles or fraudulently converts to his own use or with the intent to use or embezzle, takes, secretes, or otherwise disposes of or fraudulently withholds, appropriates, lends, invests, or otherwise uses or applies any money, or substitute for money received by him as such agent, contrary to the instructions or without the consent of the company for or on account of

which the same was received by him, shall be guilty of larceny and be punished accordingly.

(9) Any solicitor, agent, or examining physician who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for insurance or for the purpose of obtaining any money or benefit in any corporation transacting business under this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred or more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the Court.

**Sec. 23. Foreign Companies.** Any insurance company not incorporated or organized under the laws of this State desiring to transact business in this State, shall file with the Insurance Commissioner of this State, a written instrument or power of attorney, duly signed, and sealed, appointing and authorizing some person who shall be a resident of this State, to acknowledge or receive service of process and upon whom process may be served for and in behalf of such company in all proceedings that may be instituted against such company in any Court of this State, or any Court of the United States in this State, and consenting that service of process upon any agent or attorney appointed to accept service under the provisions of this section, shall be taken and held as valid as if served upon the company and such instrument shall further provide that the authority of such attorney shall continue until revocation of his appointment is made by such company by filing a similar instrument with the said Insurance Commissioner, whereby another person shall be appointed as such attorney. Every such Company shall thereafter, before the first day of March of each year, file a new power of attorney, signed as aforesaid and of similar tenor. Hereafter it shall be unnecessary to file such papers in the office of the Secretary of State.

**Sec. 24. Id.** No foreign insurance company shall transact any business in this State unless it shall first file in the office of the commissioner a copy of its articles of incorporation and by-laws and all amendments thereof or alterations thereto, and also any such subsequent amendments or alterations, and also a copy of its acceptance of the provisions of the Constitution of this State, and, in the case of companies which have already filed the same, a copy of the instrument designating its agent upon whom process may be served, all certified to by the Secretary of State as being true copies of such papers on file in his office; together with a statement under oath of the president and secretary or other chief officers of such company, showing the condition of affairs of such company on the 31st day of December next pre-

ceding the date of such oath. This statement shall be in the same form and shall set forth the same particulars as the annual statement required by this Act. No charge for such certified copies, other than for the certificate attached thereto, shall be made when true copies are furnished by such company to the Secretary of State for his certification.

**Sec. 25. Annual Statement.** Every insurance company doing business in this State shall, on or before the 1st day of March in each year, render to the Commissioner of Insurance a report signed and sworn to by its chief officers of its condition on the preceding 31st day of December, which shall include a detailed statement of assets and liabilities, the amount and character of its business transacted and moneys received and expended during the year, and any further details of expenditures, and such other information to be included in the report or supplementary thereto which the Commissioner may deem necessary. A synopsis of such statement, together with the Commissioner's certificate of authority to transact business in this State, shall be published in some newspaper of general circulation published at the Capital for at least four insertions. Such publication shall be made within thirty days after such certificate of authority is issued, and a copy of the paper containing such publications shall be filed in the office of the Commissioner. The Commissioner shall revoke and refuse to reissue the certificate of authority of any insurance company failing or refusing to furnish the reports or other information requested by the Commissioner, as provided in this section. The Commissioner of Insurance must cause to be prepared and furnish on demand to each of the companies printed forms of the statements herein required; and he may make such changes from time to time in the form of such statements and reports, as seem to him best adapted to elicit from the companies a true exhibit of their condition. The same forms must be so furnished on demand to all companies engaged in the same kind of business.

**Sec. 26. Capital Required.** No joint stock fire insurance company shall be permitted to do any business in this State, unless it is possessed of an actual paid up cash capital and surplus as follows:

(1) Companies with territory not limited to Utah, a capital of not less than two hundred thousand dollars (\$200,000), and a net surplus over all liabilities of not less than one hundred thousand dollars (\$100,000), or a capital and net surplus over all liabilities aggregating three hundred thousand dollars.

(2) Companies, the business of which is limited to Utah only, a capital of not less than fifty thousand dollars and a net surplus over all liabilities of not less than fifty thousand dollars.

(3) No mutual or mutual assessment fire insurance company shall be permitted to do any business in this State unless it is possessed of cash assets as follows:

(4) Companies with territory not limited to Utah, cash assets of not less than one hundred thousand dollars. Companies whose business is limited to Utah only, cash assets of not less than twenty-five thousand dollars, such assets to be net after deducting all liabilities other than reinsurance reserve.

Companies with a guaranty fund shall be required to have the same capital and surplus as that required of joint stock companies.

No mutual or mutual assessment fire insurance company, shall receive a certificate of authority to do business in this State until it has filed with the Insurance Commissioner a satisfactory bond, to be approved of by the Insurance Commissioner, executed by at least two resident freeholders of this State or by a surety company authorized to do business in this State, in the penal sum of ten thousand dollars, for the use and benefit of the policy holders of such company in this State, who, in any action against such company, may make such sureties or surety company defendants to the suit, and a judgment shall be rendered against them as shall be proper. If the total annual premiums of such company in this State should exceed ten thousand dollars, then the bond shall be increased to an amount equal to such premiums. If the insurance company so desires, it may, in lieu of such bond, deposit with the Commissioner of Insurance bonds or securities of the kind mentioned in paragraph (1), Section 27, of this Act, equal in value to the amount of such bond, the value thereof to be determined by said Commissioner. In the event of a policy holder of this State recovering judgment against such company, the Court shall make such decree for the sale of such securities to satisfy the same as may be just and proper.

(5) No joint stock insurance company, organized for any other purpose than fire insurance, shall be permitted to do business in this State unless it is possessed of a cash capital of not less than one hundred thousand dollars (\$100,000).

(6) No mutual or mutual assessment insurance company organized for any other purpose than fire insurance shall be permitted to do business in this State unless it is possessed of a guaranty or surplus fund of not less than one hundred thousand dollars (\$100,000).

No insurance company not organized under the laws of a State, Territory or district of the United States, shall be admitted or permitted to do any business in this State, until, beside complying with the Insurance Laws of this State, it has made a deposit with the Com-

missioner of Insurance of this State, or with the duly authorized officer of some other State of the United States, of a sum of not less than the capital or capital and surplus or guaranty or surplus fund required of like companies under this Act. Such deposit must be an exclusive trust for the benefit and security of all the company's policyholders and creditors in the United States and may be made in the securities, but subject to the limitations specified in Section 27 of this Act; and such deposit shall be deemed for all purposes of the insurance laws, the capital or capital and surplus or guaranty or surplus fund of the company making it.

Sec. 27. *Id.* **Investments.** (1) No insurance company shall transact business in this State unless it is possessed of the actual amount of capital or guaranty or surplus funds as required in Section 26 of this Act, in cash or invested in bonds or public stock issued or created by the United States, or by this State, or by any other State of the United States, or the District of Columbia, or any or either of them, or by any of the incorporated cities, counties, townships, or other municipal corporation thereof; or in bonds or notes secured by mortgages or trust deeds on unencumbered real estate located within said States, or the District of Columbia, or either of them, worth at least fifty per cent more than the sum invested or loaned thereon.

(2) Domestic insurance companies hereafter organized may, after complying with the provisions of this Act, invest their additional surplus, or other funds, in such securities as are named in paragraph (1) hereof; or may loan upon, or purchase real estate or mortgage bonds of railroad companies organized under the laws of said State, or the District of Columbia, or either of them, or operated therein, or the capital stock, bonds, securities, or evidences of indebtedness created by any corporation or corporations created under the Laws of the United States, or of this, or any other State, except the stock of mining companies; provided, that no loan shall be made or retained on any of the above-mentioned securities, except the bonds or stocks issued or created by the United States, or this State, exceeding ninety per centum of the market value thereof; and provided further, that no loan shall be made by any company on its own stock; and any life insurance company of this State may, in addition to the foregoing, purchase for its own benefit, any policy of insurance, or other obligation of the company, and any claims of policy-holders, and may lend to the holders of policies of the company a sum not exceeding the reserve value of the policies and surplus or dividend additions thereto, if any, at the time the loan is made, for the payment of which loan, the policies and all profits thereon shall be pledged. After January 1, 1915, domestic in-

insurance companies now organized shall be subject to the provisions of this paragraph.

**Sec. 28. Dividends and Profits.** It shall be unlawful for the directors, trustees, managers or officers of any insurance company organized under any of the laws of this State, directly or indirectly, to make or pay any dividend or pay any interest, bonus or other allowance in lieu of dividends except from surplus profits arising from their business. Except as otherwise provided herein, in the case of life insurance companies, every insurance company doing business in this State and issuing policies or certificates in which policy-holders or members are entitled to share in any part of the profits or surplus, shall on all policies hereafter issued, beginning at the end of the fifth policy year, make an annual apportionment and accounting of divisible surplus to each such policy-holder or member on all such participating policies and shall carry the amount of such apportioned surplus as a distinct and separate liability, and no company or any of its officers shall be permitted to use any part of such apportioned surplus fund for any purpose whatsoever, other than for the express purpose for which the same was accumulated.

**Sec. 29. Domestic Companies Doing Business in Other States.** If, upon investigation, the Commissioner of Insurance finds that any insurance company incorporated under the laws of Utah, is doing business in another State or Territory without having first procured a license or authority from such State or Territory, if any is required, authorizing it to do business therein, he may revoke the authority of such company to do business in this State.

**Sec. 30. Maximum Insurance on Any One Risk.** No foreign or domestic insurance company doing business in this State shall expose itself to loss on any one risk or hazard to an amount exceeding ten per cent of its paid up capital and surplus unless the same shall be re-insured in some other good and responsible companies.

A mutual fire insurance company may, however, insure a single risk in an amount not exceeding five per cent of its net annual premium income for the year last preceding.

**Sec. 31. Organization of Joint Stock Companies.** Any number of persons, not less than five at least, one of whom shall be a resident of this State, may associate to establish a joint stock insurance company, under the provisions of Title 14, Chapter 1, Compiled Laws of Utah, 1907, respecting corporations for pecuniary profit, and all the rights, privileges, and all the duties and obligations of such corporations, and the officers and stockholders thereof, shall be as provided in said Title 14 and in Chapters 1 and 4, Compiled Laws of Utah, 1907.



The Secretary of State shall not issue a certificate of incorporation to any insurance company unless it shall appear by affidavit that the subscribed capital and net surplus or guaranty fund when required by this Act shall have been paid as required by Section 26 of this Act.

**Sec. 32. Secretary of State to Furnish Commissioner Copies of Articles, Etc., of Domestic Companies.** A copy of the articles of incorporation and by-laws and all amendments and alterations thereof of all the domestic insurance companies now doing business within this State shall, without charge for so doing, be certified by the Secretary of State, to the Commissioner, who, also without charge, shall file the same.

Hereafter, and before the Secretary of State shall issue a certificate of incorporation to domestic insurance companies, he shall without charge for so doing, certify a copy of the articles of incorporation, together with a copy of its by-laws to the Commissioner for approval, and when so approved by the said Commissioner, the Secretary of State shall issue the certificate of incorporation to such domestic insurance company. He shall also, without charge for so doing, certify to the Commissioner any amendments made to such articles of incorporation or by-laws. On and after the passage of this Act, no such domestic insurance company shall be permitted to do business in this State until it shall have complied with the provisions of this Act and shall have received from the Commissioner a certificate of authority to transact business in this State; provided, that any part of the paid up capital stock and surplus may be paid in real or personal property, in which insurance companies are permitted to invest their capital or funds, as herein provided, the value thereof to be determined by affidavit as provided in Chapter 1 of said Title 14.

**Sec. 33. Policies or Contracts.** All policies or contracts made or entered into by any domestic company may be made with or without the seal thereof. They shall be subscribed by the president or such other officers as may be designated by their by-laws for that purpose, and shall be attested by the secretary, and being so subscribed shall be obligatory upon the company.

**Sec. 34. Risks to be Approved.** No insurance company or association (other than life) not incorporated under the laws of this State, shall make, write or place any policy or contract of insurance of any kind or character binding in law upon any person or property situated or located in this State, except after the said risk has been approved by an agent resident of this State, regularly commissioned and licensed to transact insurance business in Utah for said company, who shall counter-sign all policies so issued and receive their commission there-

on, and also to the end that the State may receive the taxes required by law to be paid on the premiums collected for insurance written herein. This section shall not apply to re-insurance policies nor insurance covering the rolling stock of railroad corporations, where such railroad line lies partially within and partially without the State of Utah, or to property in transit while in the possession and custody of common carriers.

**Sec. 35. Valuation of Life Policies.** For the purpose of making valuations of life insurance policies under the provisions of this Act, the rate of interest assumed in valuing policies shall be three and one-half per cent per annum, and the rate of mortality shall be established by the table known as the "American Experience Table of Mortality," for policies issued after January 1, 1910; for policies issued prior to January 1, 1910, the rate of interest assumed shall be 4 per cent per annum, and the rate of mortality shall be established by the table known as the "Actuaries' Table of Mortality," such values to be on the basis of net premiums. For the purpose of estimating the liabilities of insurance companies other than life, the amount required to safely reinsure all outstanding risks shall be estimated by taking fifty per cent of the gross premiums on all risks and policies in force issued for not more than one year and pro rata of all gross premiums on risks and policies written for a longer term than one year. The Commissioner may accept the valuation of the Department of Insurance of any other State or country if made upon the basis and according to the Standard herein required, if the Insurance officer of such State or country accepts as sufficient and valid for all purposes the Certificate of Valuation of the Commissioner of this State.

**Sec. 36. Provisions to be Contained in Life Policies.** On and after January 1st, 1910, it shall be unlawful for any foreign or domestic life insurance company to issue or deliver in this State any life insurance policy unless the same shall contain the following provisions:

(1) A provision that all premiums shall be payable in advance either at the home office of the company or to an agent of the company upon delivery of a receipt signed by one or more of the duly authorized officers, unless the first payment is set forth in the policy, in which case the policy itself shall be a receipt.

(2) A provision that the policy shall be incontestable after two years from its date, except for non-payment of premiums and except for violations of the conditions of the policy relating to naval or military service in the time of war or other prohibited risks.

(3) A provision that the policy shall constitute the entire contract between the parties, and that all statements made by the insured

shall, in the absence of fraud, be deemed representations and not warranted, and that no such statement or statements shall be used in defense of a claim under the policy, unless continued in a written application, and a copy of such statement or statements shall be endorsed upon or attached to the policy when issued.

(4) That, if the age of the insured has been misstated, the amount payable under the policy shall be such as the premium would have purchased at the correct age, or the premium may be adjusted and credit given to the insured or to the company, according to the company's published rate at date of issue.

(5) A provision which shall fulfill the requirements of Section 42 of this Act. This provision shall not be required in non-participating policies.

(6) A provision which shall fulfill the requirements of Section 43 of this Act. This provision shall not be required in term insurance of twenty years or less.

(7) A table showing in figures the loan values, if any, and options available under the policies each year upon default in premium payments during the first twenty years of an ordinary life policy, and during the term of premium payments required by the policy upon a limited payment life policy beginning with the year in which such values and options become available.

(8) A table showing the amounts of installments in which the policy may provide its proceeds may be payable.

Any of the foregoing provisions or portions thereof relating to premiums not applicable to single premium policies shall to that extent not be incorporated therein.

**Sec. 37. Prohibited Provisions.** On and after January 1st, 1910, it shall be unlawful for any foreign or domestic life insurance company to issue or deliver in this State any life insurance policy if it contains any of the following provisions:

(1) A provision for forfeiture of the policy for failure to repay any loans on the policy or to pay interest on such loan while the total indebtedness on the policy is less than the loan value thereof. In ascertaining the indebtedness due upon the policy loans, the interest, if not paid when due, shall be added to the principal of such loans and shall bear interest at the rate specified in the note or loan agreement.

(2) A provision limiting the time within which any action at law or in equity may be commenced to less than five years after the cause of action shall accrue.

(3) A provision by which the policy shall purport to be issued or to take effect more than one year before the original application for the insurance is made, if thereby the assured would rate at an age more than one year younger, according to his age at nearest birthday, than his age at the date of his application, and unless the aggregate amount of the annual premiums for the whole term of such period shall be paid in cash.

**Sec. 38. Id. Exceptions.** The provisions of Sections 36 and 37 of this Act shall not apply to annuities, industrial policies or to corporations or associations operating on the assessment or fraternal plan.

**Sec. 39. Suspension of Authority.** The certificate of authority of any foreign or domestic life insurance company violating any of the provisions of Sections 36 and 37 of this Act shall be suspended by the Commissioner of Insurance and shall not be renewed until such company fully and completely conforms to the same. Such action by the Commissioner shall be subject to review by any court of competent jurisdiction.

**Sec. 40. Form of Policy or Contract to be Submitted to Commissioner.** On and after January 1st, 1910, no policy of life insurance shall be issued or delivered in this State, or be issued by a life insurance company organized under the laws of this State, until the form of the same has been filed with the Insurance Commissioner; and after the Commissioner shall have notified any company of his disapproval of any form, it shall be unlawful for such company to issue any policy in the form disapproved. The Commissioner's action shall be subject to review by any court of competent jurisdiction.

**Sec. 41. Policies Delivered in Other States.** The policies of a domestic life insurance company may, when issued or delivered in any other State, Territory, District or Country, contain any provision required by the laws of the State, Territory, District or Country in which the same are issued, anything in this Act to the contrary notwithstanding, and the policies of a foreign life insurance company, when issued in this State, may include any provision which, by the law of its own State, it is required to incorporate in all policies issued by it.

**Sec. 42. Holders of Participating Policies.** Every policy-holder shall, on all participating policies hereafter issued, except as provided in Section 44, be permitted at the time the first dividend is declared, to select from among the options set forth in the policy the manner and

method of the payment of the surplus to be annually apportioned to his policy.

**Sec. 43. Default in Payment of Premiums.** (1) In the event of default in payment of any premium due on any policy, provided that not less than three full years' premiums have been paid, there shall be secured to the insured without action on his part as specified in the policy, either paid-up insurance or extended insurance or the application of the net value of the policy as a loan in payment of future premiums, so long as such net value, less the deduction herein provided for, is sufficient to secure such loan with interest added at a rate not exceeding 6 per cent per annum, payable annually in advance; the net value applied to one of the options above provided for shall be at least equal to the entire net reserve held by the company on such policy, including dividend additions, if any, less two and one-half per centum of the amount insured by the policy and dividend additions, if any, or one-fifth of such reserve, and less any outstanding indebtedness to the company on the policy at the time of default.

(2) No agreement between company and policy-holder or applicant for insurance shall be held to waive any of the provisions of Sections 42 and 43, except as herein provided.

(3) This section shall not apply to industrial policies.

**Sec. 44. (1) Mutual Companies.** Every life insurance company doing business in this State, conducted on the mutual plan, or in which policy-holders are entitled to share in the profits or surplus, shall, on all policies of life insurance, hereinafter issued under conditions of which the distribution of surplus is deferred to a fixed or specified time, and contingent upon the policy being in force and insured living at that time, annually ascertain, beginning at the end of the fifth policy year, on all policies hereafter issued the amount of surplus to which all such policies as a separate class are entitled and shall annually apportion to such policies as a class the amount of surplus so ascertained, subject to the mortality experience of the company to the end of the dividend period. Every company having in force any such deferred dividend policies shall upon application from a policy-holder, at the time of the mailing of annual premium notice, furnish to such a policy-holder, an annual statement showing the contingent surplus accumulation to the credit of the policy at the beginning of the preceding year, the rate of interest earned on the accumulation, the amount of interest and the amount of saving and profit contingently credited to said policy during the preceding year, with a showing of the total amount of surplus accumulation then contingently accredited to the policy, which statement shall be substantially in accordance with the following form:

STATEMENT OF ANNUAL APPORTIONMENT OF SURPLUS.

Policy No.....	Distribution Period.....
Years.....	Age at Issue.....
contingently credited to policy as per last annual Statement.....	
.....	
Interest credit: Net rate earned by company.....	
.....per cent .....	
Savings and profit additional for year .....	
Contingent Surplus Credit .....	190.. \$.....
.....	

Secretary.

(2) This section shall not apply to industrial policies.

**Sec. 45. Disbursements by Domestic Companies.** No domestic life insurance company shall make any disbursement of one hundred dollars or more unless the same is evidenced by a voucher signed by or on behalf of the person, firm or corporation receiving the money and correctly describing the consideration for the payment. If the expenditure be for both services and disbursements, the voucher shall set forth the services rendered and an itemized statement of the disbursements made. If the expenditure be in connection with any matter pending before any Legislature or public body, or before any department or officer of any State or Government, the voucher shall correctly describe, in addition, the nature of the matter and of the interest of such company therein. When such voucher cannot be obtained, the expenditure shall be evidenced by an affidavit describing the character and object of the expenditure and stating the reason for not obtaining such voucher.

**Sec. 46. Salaries.** No domestic life insurance company shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary compensation or emolument amounting in any year to more than five thousand dollars to any person, firm or corporation, unless such payment first be authorized by a vote of the Board of Directors of such life insurance company. No such company shall grant any pension to any officer, director, or trustee thereof or to any member of his family after his death.

**Sec. 47. Unlawful to Use or Offer Money, Etc., for Political and Other Purposes.** No insurance company or association, including fraternal beneficiary associations, doing business in this State, shall directly or indirectly pay or use or offer, consent or agree to pay or use any money or property for, or in aid of any political party, committee or organization, or for or in aid of any corporation, joint stock or other association or

ganized or maintained for political purposes, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney, or agent of any corporation or association which violates any of the provisions of this Act, who participates in, aids, abets or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this Act, shall be guilty of a misdemeanor and be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars, and any officer aiding or abetting in any contribution made in violation of this Act shall be liable to the company or association for the amount so contributed.

No person shall be excused from attending and testifying or producing any books, papers, or other documents before any court or magistrate upon any investigation, proceeding or trial, for a violation of any of the provisions of this Act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding.

**Sec. 48. Misrepresentations. Penalty.** No insurance company doing business in this State, and no officer, director or agent thereof, shall issue or circulate or cause or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort, misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby or the dividends or shares of surplus to be received thereon, or shall use any name or title of any policy or class of policies, misrepresenting the true nature thereof, nor shall any such corporation or agent thereof make any misrepresentation to any person insured in another company for the purpose of inducing or tending to induce such person to lapse, forfeit or surrender his said insurance. Violation of this section by an agent or officer of an insurance company shall be a misdemeanor and punished by a fine of five hundred dollars or imprisonment in the county jail for sixty days (60) or by both such fine and imprisonment; and if the company violates or participates in the violation of this section, such company shall have its certificate of authority to do business in this State suspended for a period not exceeding six months for each offense.

**Sec. 49. Discriminations. Rebates, Etc., Prohibited. Penalty** No life

insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between insureds [the insured] of the same class and equal expectation of life in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes. Nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, any rebate or premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind; nor any valuable consideration or inducement whatever, not specified in the policy contract of insurance, nor give, sell or purchase or offer to give, sell or purchase as inducement to insurance or in conjunction therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits to accrue thereon; nor anything of value whatever not specified in the policy.

Every officer or agent of an insurance company doing business in this State, who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not less than one hundred dollars (\$100) nor exceeding five hundred dollars (\$500), or imprisonment in the county jail of not less than thirty days, nor more than ninety days or both, in the discretion of the court, and shall pay the costs of the prosecution.

It shall be the duty of the Commissioner, upon being satisfied that any such insurance company, or any agent thereof has violated any of the provisions of this section, to revoke the certificate of authority of the company or agent so offending.

**Sec. 50. Stock Schemes, Advisory Board, Contracts, Etc., Prohibited. Penalty.** From and after the date of this Act takes effect, no life insurance company shall issue in this State, nor permit its agents, officers or employees to issue in this State, agency company stock or other stock or securities or any special or advisory board or other contracts of any kind promising returns and profits as an inducement to insurance, and on and after the passage of this Act, no life insurance company shall be authorized to do business in this State, which issues or permits its agents, officers or employees to issue in the State of Utah or in any other State or Territory, agency company stock or other stock or securities or any special advisory board or other contracts of any kind



promising returns and profits as an inducement to insurance, and no corporation, or stock company, acting as agent of a life insurance company, nor any of its agents, officers, or employees, shall be permitted to agree, sell, offer to sell or give, or offer to give, directly or indirectly, in any manner whatsoever, any share of stock, securities, bonds or agreement of any form or nature, promising returns and profits as an inducement to insurance, or in connection therewith; provided, that nothing herein contained shall impair or affect in any manner any such contracts issued or made as an inducement to insurance, prior to the enactment hereof, or prevent the payment of the dividends or returns therein stipulated to be paid. It shall be the duty of the Commissioner, upon being satisfied that any such insurance company or any agent thereof, has violated any of the provisions of this section, to revoke the certificates of authority of the company or agent offending.

**Sec. 51. Unlawful to Accept Rebates. Penalty.** Any person knowingly receiving any rebate or allowance or reduction from any premium or any special contract of employment, or promising profits or dividends of any character, or any valuable thing, special favor or advantage whatever, as an inducement to take any policy of life insurance, not specified in the policy contract, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of one hundred dollars (\$100) or imprisonment in the county jail for a period of thirty (30) days, or both, in the discretion of the court; provided, that this section shall not apply to the payment of dividends upon contracts made as inducements to insurance prior to the enactment hereof.

**Sec. 52. Contracts Where Made.** Any insurance contract shall be deemed to be made in the State of Utah if made through an authorized agent of such insurance company within this State, irrespective of where the insurance contract may be written.

**Sec. 53. Suicide No Defense After First Year.** From and after the passage of this Act, the suicide of a policy-holder after the first policy year of any life insurance company doing business in this State shall not be a defense against the payment of a life insurance policy, whether said suicide was voluntary or involuntary and whether said policy-holder was sane or insane.

**Sec. 54. Assessment Companies.** No life insurance company, or association, other than fraternal beneficiary associations, which issue contracts, the performance of which is contingent upon the payment of assessments or calls made upon its members, shall do business within this State, except such companies which shall value their assessment policies or certificates of membership as yearly renewable term policies, ac-

ording to the standard of valuation of life insurance policies prescribed by the laws of this State, and no such company shall provide in any contract of insurance for any cash or other benefit to accrue to any living member or policy holder or to any beneficiary, except a death benefit, and the assessment policies or certificates of any assessment company or association reincorporated to transact business as a legal reserve or level premium company shall also be valued as yearly renewable term policies, according to the standard of valuation of life insurance policies prescribed by the laws of this State.

**Sec. 55. Commissioners to Examine Form of Contracts.** The Commissioner of Insurance shall have power and it shall be his duty to examine the form of all policy contracts hereafter issued or proposed to be issued by any fire insurance company, association or corporation now authorized by law or that may hereafter apply to be authorized to transact business of fire insurance in this State.

**Sec. 56. (1) Reinsurance.** Every insurance company doing business in this State may reinsure the whole or any part of any policy obligation in any other insurance company. When the reinsurance is made by any other than a life insurance company, the company so reducing its direct amount at risk shall, for the purpose of computing its unearned premium fund, deduct from the original or policy premium on said direct amount at risk, the net sum actually paid for reinsuring such risk. The company taking over or acquiring the risk, through reinsurance, shall enter in premium in force at any time the premiums actually received for risks thus acquired through reinsurance, the unearned premium to be computed by the company ceding the risk upon the balance of policy premium in force after deducting the sum actually paid as a premium consideration for the risk so ceded. The company taking over such reinsurance shall compute its unearned premium fund on account thereof upon the basis of the actual amount of net premium so received and in force at the time of such computation. But this provision shall not apply to a company that reduces by reinsurance its direct liability to the holders of its policies as a step preliminary to its permanent or final retirement from the business. Said retiring company shall then be credited in reduction of its outstanding policy liability with the original or policy premium reinsured, irrespective of the net sum actually paid for such reinsurance, and the company taking over such outstanding risks shall be charged with an unearned premium fund on the original or policy premium on said risks, as the same appear in the outstanding policies of the retiring company. No credit of any kind shall be allowed or given, either as a reduction of taxes or of liabilities, to any company transacting business in this State for reinsurance made in companies not authorized to issue policies in this State.

The Commissioner of Insurance may, at any time, require schedules of reinsurance to be filed by each company, which schedules, however, shall not be open to the inspection of the public.

(2) Whenever the Commissioner shall have or receive any information that any foreign insurance company, other than life, has violated any of the provisions of Section 34 of this Act, he is authorized, at the expense of such company, to examine, by himself or his accredited representative, at the principal office or offices of such company, located in the United States of America, or in any foreign country, and also at such other offices or agencies of such company as he may deem proper, all books, records, and papers of such company, and agents examine, under oath, the officers, managers and agents of such company as to such violation or violations. The refusal of any such company to submit to such examination or to exhibit its books and records for inspection, shall be presumptive evidence that it has violated the provisions of Section 34 of this Act, and it shall be subject to the penalties prescribed and imposed by this Act.

**Sec. 57. Penalty for Violations of this Act by Fire Insurance Companies.** Any fire insurance company wilfully violating or failing to observe and comply with any of the provisions of this Act, applicable thereto, shall have its authority to transact business in this State revoked by the Commissioner of Insurance, and such revocation shall continue for at least one year from the date thereof, nor shall any fire insurance company whose authority to transact business in this State shall have been so revoked be again authorized or permitted to transact business herein until it shall have filed in the office of the Commissioner a certificate signed by its president or other chief officer to the effect that the terms and obligations of the provisions of this Act are accepted by it as a part of the conditions of its right and authority to transact business in this State.

Any fire insurance company which shall hereafter apply to enter this State to transact business as a new company or to have its certificate of authority renewed, shall, before permission is given to transact business, or before the renewal of its certificate of authority be issued, file with the Commissioner of Insurance a certificate, signed by its president or other chief officer of such company, to the effect that the terms and obligations of the provisions of this Act are accepted by it as a part of the conditions of its right and authority to transact business in this State.

**Sec. 58. Guaranty Fund Certificates.** Guaranty fund certificates may be used to provide a guaranty fund for domestic life and fire insurance companies incorporated upon the mutual plan; such fund to be

held as security for the payment of all losses and other policy liabilities of such companies. Guaranty fund certificates may draw interest or dividends not exceeding in the aggregate eight per cent (8 per cent) per annum, which shall only be paid from the profits of the company. Said certificates can only be retired or redeemed by using the profits of the company for that purpose, but the full fund as required of each kind of mutual and assessment company by this Act must at all times be maintained. Such guaranty fund shall be a liability until redeemed and retired. It shall be only used to pay the policy claims or liabilities when the contingent mutual liability of the policy-holders has been drawn upon and found insufficient to meet the losses of policy claims or when the directors from any cause fail to provide for the payment of policy claims. Upon satisfying himself of such failure, the Commissioner of Insurance shall suspend the certificate of authority of such company and apply to the District Court for an order restraining said company from doing further business and the court may appoint a receiver or issue such decrees and orders as may best serve the interests of the members or policy-holders and of the public; and the disbursement or distribution of the guaranty fund shall then be made under the court's direction; provided, however, that the fund shall first be used to pay policy claims or losses, and if any of the fund then remains it shall be used to pay creditors, if any, and then the remaining portion of the fund shall be used to redeem outstanding guaranty fund certificates, or, if none are outstanding, it shall be distributed among the members of the company, as the court may direct.

The profits of a domestic mutual insurance company or association are that portion of its cash funds not required for the payment of losses and expenses, not set apart for the unearned premium reserve or any other purpose required by law.

**Sec. 59. Reinsurance by Domestic, Mutual or Assessment Companies.** No domestic insurance company organized upon the mutual or the assessment plan shall transfer its risks to, or reinsure them in, any other corporation unless the said contract or transfer or reinsurance is first submitted to and approved by two-thirds vote of the membership, to be taken by person, mail or proxy, at a meeting of the insured called to consider the same, of which meeting a written or printed notice clearly describing its purpose shall be mailed to each policy-holder or indemnity certificate holder, not less than twenty or more than ninety days before the day fixed for said meeting, and, in case said transfer or reinsurance shall be approved, every policy-holder or indemnity certificate holder of the said corporation, who shall file with the secretary thereof, within ten days after said meeting, written notice of his preference to be transferred to some other corporation than that named in the contract, shall be accorded all the rights and privileges, if any, in

aid of such transfer as would have been accorded under the terms of said contract had he been transferred to the corporation named therein. Before issuing the call aforesaid, a certified copy of such proposed contract of transfer, or reinsurance, shall be filed in the Insurance Department, and the call for such meeting shall be submitted to the Commissioner of Insurance for his approval. The meeting and the counting of votes shall be held and done under the supervision of the Commissioner, for the purpose of seeing that the by-laws of the company and the laws of the State are faithfully observed, and the Commissioner shall, before the transfer is finally made, report to the Governor upon the nature of the contract of reinsurance, or transfer, and also as to the methods employed to secure the consent of the members or policy-holders thereto, and as to the disposition of any funds belonging to the members or policy-holders of the company that is to be reinsured, and the said Commissioner may, if in his judgment the law has been violated or the members are to be wrongfully deprived of any of their rights, or of their joint assets, apply with the consent of the Governor, to the District Court for an injunction restraining such transfer or reinsurance. In case such transfer or reinsurance of the corporation is to result in any increase in the premium rates of insurance of those already holding contracts, or in any reduction of the amount of insurance, in lieu of such advance in premium, the fact shall be set forth in the call for the meeting.

**Sec. 60. Id. Fees and Supervision.** Mutual and assessment companies shall, unless otherwise specified in this Act, be required to pay the same fees and be under the same supervision and authority of the Commissioner as companies which are engaged in the same kind of insurance business and which are organized upon the joint stock plan; and shall comply with this Act, unless otherwise specified, and be subject to the penalties provided therein.

**Sec. 61. Accumulation of Profits.** Every domestic insurance company incorporated upon the mutual or assessment plan shall state clearly in its policies or certificates that the accumulation of profits of such corporations over and above all proper liabilities, shall be the sole property of the members or policy-holders in good standing, and that the same shall be distributed in a just and equitable manner, in case such company is reinsured or ceased to do business.

**Sec. 62. Organization of Mutual or Assessment Companies.** Twenty-five or more persons, citizens of this State, may form a corporation to carry on the business of insurance on the mutual plan or fire insurance upon the assessment plan.

The Secretary of State shall not issue a certificate of incorporation to any such insurance company organized on the mutual or the assessment plan unless it shall appear by affidavit of at least three of the incorporators that a guaranty or equivalent fund shall have been provided, as required in Section 26 of this Act, and until the Commissioner shall have approved the same. Any company so incorporated shall thereupon have the power to elect directors by vote of incorporators, but the directors so selected shall serve but one year, when an election by the members shall be held. The number of such directors shall be not less than nine, nor more than twenty-five, and in all meetings of the members, each shall have one vote, and shall vote in person, by mail or by proxy; but no person shall vote more than five proxies. Every mutual fire insurance company must, in its by-laws, and must in its policies, fix an unlimited liability on the part of its members for the payment of losses and expenses; but such liabilities shall cease with the expiration of the time for which a premium has been paid in advance, except for liability incurred during such times. No mutual fire insurance company shall have the power to insure the property of others than members of the company. No note shall be accepted for a premium or a part of a premium or as a part of any fund of a mutual fire insurance company, nor valued as an asset, unless such note shall be and shall state upon its face that it is a lien upon the property insured, and said note shall thereupon be recorded in the office of the Recorder of the county where the property is situated, and shall be and become a lien upon such property of like force and effect as a mortgage against same, and no such note shall be surrendered, nor any part of the cash paid upon the premium returned, while the policy for which it was given remains in force. The fee for the recording of such note shall be twenty-five cents in each case.

**Sec. 63. Id. Liability of Member.** Every person who effects insurance in a mutual fire insurance company and continues to be insured, and his heirs, executors, and administrators and assigns, shall thereby become members of the company, during the period of insurance, and shall be bound to pay for losses and such necessary expenses as accrue in and to the company in proportion to the original amount of his deposit note or contingent liability; and the directors shall as often as they deem necessary, settle and determine the sum to be paid by the several members thereof, and publish the same in such a manner as they may choose, or as the by-laws prescribe, and the sum to be paid by each member shall always be in proportion to the original amount of such liability and shall be paid to the officers of the company within thirty days next after the publication or mailing of such notice; provided, that whenever such company is not possessed of cash funds above its reinsurance reserve, sufficient for the payment of incurred losses

and expenses, it shall be deemed as having impaired its capital and shall make an assessment for the amount needed to pay such losses and expenses, upon its members liable to assessment therefor, in proportion to the several liabilities, and no such company shall borrow money or create a debt, unless for necessary operating expenses, to continue beyond the period when such assessment may be collected and applied to the payment thereof, and no member shall be assessed for liabilities incurred prior to his membership.

**Sec. 64. Id.** In mutual companies, if a member neglect or refuse for a space of thirty days after the publication or mailing of notice of an assessment, and after demand for payment to pay the sum assessed upon him as his proportion of any loss or expense as aforesaid, the corporation may sue for and recover the whole amount of contingent liability with the cost of suit; but execution shall only issue for assessments and costs as they accrue, and every execution shall be accompanied by a list of losses or expenses, for which the assessment is made. If the whole amount of the contingent liability of members shall at any time be insufficient to pay expenses, and losses occasioned by any fire or fires, the insured who are entitled to receive payment for losses sustained, for which the company is liable, upon its policies, shall receive from and out of such contingent liabilities of members on account of their respective losses a proportionate share of the whole amount of such liability, according to the amount of their respective losses; provided, however, that nothing herein contained shall be deemed nor construed to effect or take away the rights of such policy-holders in the guaranty fund of such company.

**Sec. 65. Actions to Recover Assessments.** In actions for the recovery of assessments duly levied by the directors of any mutual fire insurance company in this State, or for money due on the liability of the members of any such company, the official statement of the president or secretary of such company, under seal and sworn to, shall be received in court, as evidence of the facts essential for making the same, and that such assessment for the non-payment of which any such action is commenced has been duly levied, and notice thereof given.

**Sec. 66. The Word "Mutual" to be Embodied in Corporate Name.** Every mutual fire insurance company shall embody the word "mutual" in its title, which shall appear upon the first page of every policy and renewal receipt in some suitable manner.

**Sec. 67. Notes Received not Transferable.** Mutual fire insurance companies, which shall receive notes in consideration of premiums on their policies, shall be required to insert on the face of each note the

following words, to-wit: "It is hereby understood and agreed that this note is not transferable."

**Sec. 68. Certificate to be Filed by Foreign Mutual Companies.** Any foreign mutual fire insurance company organized under authority other than that of the State of Utah, before being authorized to do business in this State, shall be required to file a certificate from the Insurance Department of its home State, certifying to the fact that such company has assets to the amount required by the provisions of Section 26 of this Act.

**Sec. 69. Fraternal, Religious or Benevolent Societies.** The provisions of this Act shall not be construed so as to prevent any fraternal, religious or benevolent societies which conduct their business as fraternal societies, under the lodge system, or to other organizations which do not employ paid agents in soliciting business, or to those which limit their certificate holders to a particular order or fraternity, from issuing indemnity to any person, against loss by death, sickness or accident, of any of its members; and such society shall not be held amendable under or governed by any of the provisions of any section of this Act, pertaining to accident, health or life insurance, except as to rendering to the Commissioner an annual statement of the condition of said organizations or societies, and paying the Insurance Department annually a fee of five dollars (\$5.00).

(2) Any association having a supreme governing or legislative body, and subordinate lodges or branches by whatever name known, into which members shall be elected and initiated or admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required to hold regular or stated meetings at least once each month, and preserve a roll of the officers present, shall be deemed to be operating under the lodge system.

(3) Any benevolent or fraternal society or order doing business in this State, under the lodge system, and incorporated under the laws of another State, which issues certificates of indemnity against loss by death, accident or sickness of any of its members, shall file a copy of its charter or articles of incorporation with the Commissioner.

(4) Every such foreign benevolent or fraternal society or order shall file with the Secretary of State and the Commissioner of Insurance, a certificate signed by its president or head officer, and its secretary, duly acknowledged, designating an agent or agents and their place of residence in this State, upon whom process may be served.

(5) Suits against any such corporation may be instituted at the



election of the plaintiff in the county in which he resides, or in the county in which the agent resides.

(6) Any lodge of any such benevolent or fraternal society or order, which has complied with the provisions of this Act, may bring an action on any bond running to it or any of its officers, the same as though such lodge had been incorporated under the laws of this State.

(7) The fees of the Secretary of State shall be the same as for corporations not organized for pecuniary profit.

(8) It shall be the duty of the presiding officer of any lodge in this State under such foreign benevolent or fraternal society or order to see that the requirements of this Act are complied with, and ninety days from its passage shall be allowed for a compliance with the provisions.

(9) Every contract whereby a cash or other benefit is to accrue to a person, or to persons named or designated therein, upon the death of a person from cause not accidental, shall be deemed a contract of life insurance; and it shall be unlawful for any person, co-partnership, association, organization, society, order or fraternity, except life insurance companies or bona fide fraternal, religious or benevolent societies as defined by this Act, to make or issue such contracts of insurance; and it shall likewise be unlawful for any fraternal, religious or benevolent society, order, association or organization, which provides a death benefit, to make it a condition or provision of any contract or membership certificate issued to it, that the beneficiary is required to patronize any particular undertaking or burial firm, corporation or establishment. Any violation of any of the provisions of this section, by any person or any agent, officer or representative of any co-partnership, organization, association, society or order, shall be a misdemeanor, and for each and every offense shall be punished by a fine not to exceed Fifty Dollars (\$50.00) or imprisonment in the county jail for not to exceed three months, or by both such fine and imprisonment.

**Sec. 70. Additional Duties of Commissioner. County Mutual Companies Exempt from Provisions of this Act.** It shall be the duty of the Commissioner of Insurance, whenever requested by the State Board of Examiners, to examine the books and accounts of the public institutions of the State and make complete reports of his findings to the said Board. It shall also be the duty of the Commissioner of Insurance to examine once a year, and oftener if deemed necessary, every building and loan association organized under the laws of the State of Utah. In making such examination he shall collect from the company examined, a fee of \$10.00 per day for each day required to make the ex-

amination, which fee shall be turned in to the State Treasury as other fees collected by his department. The company examined shall also be required to pay the necessary traveling expenses of the Commissioner, or his deputy, to and from the place of examination.

The provisions of this Act shall not apply to County Mutual Fire and Lightning Insurance Companies doing business exclusively within any one county.

Sec. 71. This Act to take effect on approval.

Approved March 23, 1909.

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## CHAPTER 122.

### JUVENILE COURTS.

An Act Amending Sections 720x, 720x1, 720x2, 720x3, 720x4, 720x5, 720x7, 720x10, 720x12, 720x14, 720x15, 720x16 and 720x21, Compiled Laws of Utah, 1907, Relating to Juvenile Courts, the Title, Term of Office, Duties, Appointment and Compensation of the Judge Thereof and Other Officers Connected Therewith, Providing for a Juvenile Court Commission and Specifying its Duties and the Duties of its Secretary, Defining the Jurisdiction of Juvenile Courts, Providing for Jurisdiction of District Courts in Certain Districts, Prescribing the Powers, Rights, Proceedings and Practice of Juvenile Courts and Providing for the Maintenance Thereof, Providing for Appeals; for Disposing of Fines, and Repealing all Acts, or Parts of Acts, Inconsistent Herewith.

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

SECTION 1. Sections Amended. That Sections 720x, 720x1, 720x2, 720x3, 720x4, 720x5, 720x7, 720x10, 720x12, 720x14, 720x15, 720x16 and 720x21, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

720x. Juvenile Court Created. Judge. Term. Juvenile Court Commission Created. Salaries. Duties of Secretary. In judicial districts containing cities of the first or the second class, there is hereby created a special court to be known as the Juvenile Court. The judge of said court shall be known as the judge of the Juvenile Court. The said judge shall be appointed by the Juvenile Court Commission hereinafter defined. The judge shall hold office for a term of two years, and until his successor is appointed and qualified; provided, that the judge may be removed by the Juvenile Court Commission at its discretion. The sal-

ary of said judge shall be fixed by the Juvenile Court Commission. There is hereby created a commission to be known as the Juvenile Court Commission, which shall consist of the Governor, Attorney General and State Superintendent of Public Instruction. The Juvenile Court Commission shall appoint a secretary who shall serve during the pleasure of the Commission and whose salary shall be fixed by the Commission.

It shall be the duty of the Secretary, under the direction of said commission, to visit the Juvenile Courts provided for herein, to gather and dispense information relating to the criminal, pauper and defective classes among juveniles, to aid in the supervision of detention schools and to work generally in the interest of the juveniles of this State. Said commission shall have general control and supervision over juvenile courts and probation officers, including the power of fixing salaries, providing court rooms and necessary equipment and supplies. The expenses of said commission and the cost of maintaining said court shall be paid out of the general funds of the State. The clerk of the district court of the several counties, in districts containing cities of the first and second class, shall appoint a clerk of the Juvenile Court who shall keep a register of the proceedings of said court in a book to be known as the Juvenile Court register. And in addition thereto the said clerk shall be a probation officer and shall receive a salary to be fixed by the Juvenile Court Commission.

720x1. **Jurisdiction.** The Juvenile Court shall have jurisdiction in all the counties of the district in which said courts are established; in all cases relating to the custody, detention, guardianship of the person, probation, neglect, dependency, delinquency, examination, trial, and care of children who are under eighteen years of age, and also have jurisdiction over adult persons for all misdemeanors committed by them relating to the custody, detention, guardianship, probation, neglect, dependency, delinquency, and care of children who are under eighteen years of age as is now or may be provided for by law; "provided, in all precincts outside of cities of the first and second classes, justices of the peace shall, as nearly as may be, exercise the powers herein conferred upon said juvenile court, and whenever they act in reference to the matters and things herein referred to said juvenile courts, they shall as nearly as may be, conform in their proceedings to the provisions of this chapter. The constables of the precincts referred to in the next preceding proviso, shall be assistant probation officers and shall have the powers in this Act conferred upon assistant probation officers. All assistant probation officers shall, in respect to the matters provided for in this chapter, act under the direction of the chief probation officer of their respective counties. Before proceedings are instituted against any person subject to the provisions of this Act in any of the precincts

in this section referred to, the chief probation officers of the county in which said precinct is situated, shall be communicated with, and if, in his judgment, proceedings should be instituted before the justice of the peace of such precinct instead of the juvenile court of such county, or the district judge of such district, as the case may be, and so directs them, proceedings may be commenced before such justice of the peace, who shall proceed to deal with the matter or case in the same manner and to the same extent and in conformity to the provisions of this chapter, as nearly as may be as the juvenile courts herein provided for are authorized to do. Whenever services are rendered by justices of the peace or constables under the provisions of this Act, they shall receive such fees as are provided by law for like services, to be paid out of the county treasury in the same manner as such fees are paid;" provided, said court shall have no jurisdiction in cases involving the commission of a felony.

In any case in which the court shall find a child neglected, dependent or delinquent, it may in the same or in any subsequent proceedings, upon the parents of said child, or either of them, being duly summoned or voluntarily appearing proceed to enquire into the ability of such parent or parents to support the child or contribute thereto. The court may enter such order or decree as shall be according to equity in the premises, and may enforce the same in any way in which a court of equity may enforce its orders or decrees.

**720x3. Practice.** In all matters or cases relating to guardianship, neglected or abandoned children, delinquencies of children, the practice and procedure of Juvenile Courts shall conform as nearly as possible to the practice and procedure, as it now or may be provided by law for district courts and in all cases of misdemeanors of adults to contributing to the dependency, neglect or delinquency of any juvenile, the practice and procedure shall conform to the practice and procedure as is now or may be provided by law for justice courts.

The qualifications of and manner of summoning jurors, to serve in Juvenile courts shall be the same as is now or may be prescribed by law for justice courts and the judges of the Juvenile Court shall have all the powers in relation thereto of a justice of the peace.

**720x4. Complaints.** Proceedings in the interest of juveniles as defined in this chapter shall be commenced by a complaint or sworn statement filed with the clerk of said court, which shall in a general way state the facts or acts constituting the delinquencies complained of. Said proceedings shall be entitled: "State of Utah in the interest of .....delinquent."

720x5. **Hearing.** Upon filing such complaint, the clerk or court shall set the same for hearing; notice of said hearing shall be served by the probation officer, or sheriff, or any peace officer, on the parents, parent, custodian, or legal guardian of said child residing within the State of Utah, which notice shall be substantially in the following form to-wit:

(Title of Court and Cause.)

To .....(here designate relationship.)

You are hereby notified to appear within two days after the service of this notice upon you, if served within the County wherein the above proceeding is pending, otherwise within five days, and assert and defend any rights to custody, control, or guardianship you may have or claim over or in the above named child, otherwise your default will be entered and the court will proceed to hear and determine your said rights, or supposed rights, in accordance with the law and the evidence.

The return of the probation officer or sheriff showing such service shall be conclusive.

720x7. **Equity Jurisdiction. Procedure.** In all matters relating to the delinquency of children and their disposition, the court shall be regarded as exercising equity jurisdiction. The court shall first inquire into the alleged delinquency, and to this end may adopt any form of procedure which is deemed best suited to ascertain the truth in the particular case. Such juvenile may be compelled to testify the alleged delinquency. The court may hear evidence in the absence of said juvenile, and the court may compel the probation officer or any other person to testify respecting any facts or information ascertained as the result of an investigation of the matter. If the court determines that the juvenile is not delinquent within the meaning of this chapter, the juvenile shall be discharged, and the proceeding dismissed. If the court finds that said juvenile is delinquent, the hearing shall be proceeded with, for the purpose of determining the fitness of any person who has asserted rights of custody in or to said juvenile to continue to hold custody of said juvenile. Said hearing shall be governed by the rules, practice, and procedure applicable in the ordinary law and equity proceedings.

720x10. **Decree and Judgment.** Upon the entry of such finding of fact, the court shall render a decree and judgment that the juvenile is a delinquent, and that the parents, parent, custodian, or guardian, is or are fit or unfit to continue in control and custody of the juvenile, in accordance with the fact. In case judgment is rendered that the parents, parent, custodian or guardian, is or are fit to have control or custody of the juvenile, the court may commit the child to the care of the probation officer, allowing

it to remain in its own home subject to the visitation of the probation officer, such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary. In case it is adjudged and decreed that the parents, parent, custodian or guardian is or are unfit to have control and custody of the juvenile, the court may further adjudge and decree as follows:

1. That the juvenile be committed to its own home under the care, control, and visitation of the probation officer;
2. That the juvenile be committed to any suitable family home open to the court for that purpose, subject to the care, control, and visitation of the probation officer;
3. That the juvenile be committed to any institution within the State incorporated or organized for care, correction, or advancement of children;
4. That the juvenile be committed to any institution that may be provided by the State or County for the care, correction, or advancement of children;
5. That the juvenile be committed to the State Industrial School;
6. That the juvenile be disposed of in any other way, except to commit it to jail or prison, that may in the discretion and judgment of the court, under all the circumstances, be for the best interest of the child, to the end that its wayward tendencies shall be corrected and the child be saved to useful citizenship.

No judgment or decree so entered shall operate after the child reaches the age of 21 years.

All orders, judgments, and decrees so made and entered by the court shall be under its control, and may be modified, amended, or recalled at any time until the child reaches the age of twenty-one years, subject only to the regulations of the State institution to which it may have been committed.

720x12. **Appeal.** An appeal may be taken from any final judgment or decree of said court depriving any parent, custodian, or guardian of the custody by the parent, custodian or guardian of said juvenile to the Supreme Court of the State of Utah in the same manner and with the same effect as is now or may be provided by law for taking appeals from judgments or decrees of the District Courts. Appeals from any final judgment or decree in all cases of misdemeanors of adults in contributing to the dependency, neglect or delinquency of any juvenile,

may be taken to the District Court in and for the county in which the juvenile court is held in the same manner and with the same effect as is now or may be provided by law for taking appeals from justice courts.

720x14. **Chief Probation Officer.** In every County of the State there shall be appointed by the Juvenile Court Commission one discreet person of good moral character who shall be known as the chief probation officer, and as many assistants as may be necessary, who shall serve during the pleasure of the commission; and said chief probation officer and the judge of the Juvenile Court shall recommend persons to the commission for such appointments as assistant probation officers. In districts where Juvenile Courts are established, the judge of the Juvenile Court shall recommend one or more persons from each County to the commission for chief probation officer. In other districts the district judge shall make recommendation and the commission in making its appointment, shall give preference to such recommendations. The Trustees, Superintendent and Assistant Superintendent of the State Industrial School shall be ex-officio probation officers to serve without compensation.

720x15. **Salaries.** Salaries of said probation officers shall be fixed by the Juvenile Court commission in accordance with the following standards: In counties containing cities of the first class, not more than \$1,500 a year. In counties containing cities of the second class, not more than \$900 a year; in all other counties, not more than \$500 a year. Assistants may be paid a sum not to exceed \$3.00 per day while actually on duty. In addition to the chief probation officer herein provided for, cities of the first class and second class upon recommendation of the Juvenile Court judge may appoint two deputy probation officers, who may be paid a sum not to exceed \$4.00 per day while actually on duty. to be paid from the general funds of the city; provided, that the judge of the Juvenile Court, where there is one, and the judge of the District Court, where there is no Juvenile Court, may appoint as probation officers such other discreet persons of good moral character who are willing to serve without compensation. It shall be the duty of the Juvenile Court Commission to notify all courts and magistrates of any County in which probation officers are appointed, of such appointment, and the name and post office address of such officer.

720x16. **Duties of Probation Officers.** The duties of probation officers shall be:

1. To investigate all cases of alleged delinquency coming to his knowledge or in any way brought to his attention within the County for which he is appointed;

2. To make complaint before the Court of any case of delinquency coming to his knowledge;
3. To bring before the Court at the time fixed for the hearing any juvenile charged with delinquency or any offense;
4. To execute, serve and return all processes and notices directed or delivered to him by the judge of the Juvenile Court and carry out the orders of the court;
5. To make an investigation of every case pending before the court and to report to the court whenever required the result of such investigation;
6. To be present in court to represent the interest of the child when the case is heard;
7. To furnish the Court information and assistance whenever required and to take charge of any child both before and after the hearing, as may be directed by the Court;
8. To exercise a friendly supervision and visitation over the child in accordance with the direction of the Court;
9. To act for the State in the filing of complaints and conducting proceedings against persons guilty of contributing to the delinquency, neglect, or dependency of children, and for this purpose probation officers are empowered to approve the issuance of warrants on any complaint filed in the Juvenile Court.

720x21. **Process.** The laws governing Justice Courts relative to the service of process, subpoenaing and paying witnesses and other costs connected therewith, are hereby made applicable upon the same subjects in the Juvenile Courts where not otherwise provided for in this chapter.

Approved March 22, 1909.



## CHAPTER 123.

## DEPENDENT, NEGLECTED AND ILL-TREATED CHILDREN.

An Act Amending Sections 720x24, 720x25, 720x29, 720x30 and 720x32, Compiled Laws of Utah, 1907, Relating to the Methods for the Protection, Disposition and Supervision of Dependent, Neglected and Ill-Treated Children and to Prescribe the Punishment for such Persons as Are Responsible for the Care of Children and Repealing All Acts, or Parts of Acts, Inconsistent Herewith.

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

**SECTION 1. Sections Amended.** That sections 720x24, 720x25, 720x29, 720x30, and 720x32, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

**720x24. Who May Be Apprehended.** Any probation officer, constable, sheriff, police, or other peace officer may apprehend without warrant, and bring before any court of summary jurisdiction, as neglected, any child, apparently under the age of fourteen, if a boy; of sixteen, if a girl, who comes with one of the following descriptions, namely:

1. Who is dependent upon the public for support, or is found begging or receiving alms, or thieving in any street, thoroughfare, tavern, place of public resort, or elsewhere, or sleeping at night in the open air;
2. Who is found wandering about at a late hour at night, and not having any home, or settled place of abode or proper guardianship; or a child whose only surviving parent or guardian is an habitual drunkard, or a person of notorious and scandalous conduct, or a reputed thief or prostitute or an habitual idler;
3. Or, a child who is found associating or dwelling with a thief, drunkard, or vagabond, or other dissolute or degraded person, who by reason of neglect, or drunkenness or other vices of its parents or guardians is suffered to be growing up without salutary parental control and education, or in circumstances exposing the child to an idle or dissolute life;
4. Who is found in or frequenting any saloon or place where intoxicating drink is sold, or is found in or frequenting any house of ill fame, either with or without the parent or guardian, or in company with a reputed prostitute;

5. Who is found in the custody of vicious, corrupt, or immoral people, or surrounded by vicious, corrupt, or immoral influences;

6. Who is found destitute, being an orphan or deserted by its parents, or having a single surviving parent who is undergoing imprisonment for a crime;

7. Or, a child who fails to receive proper care and training because its parents, or parent are insane, having been adjudged so by a proper authority;

8. Or, a child who is in the custody of either a drunken, vicious, or dissolute father or mother.

720x25. **Disposition Made of Children.** Any child apprehended under the next preceding section of this chapter may be turned over by the apprehending officer, to any children's aid society who will receive it without compensation from the public treasury and will become responsible for the safe keeping of the child until such time as the child's case can be brought into court for hearing, and the said society shall, for the time being, be considered to have legal custody of the child, and to be for this purpose, but for this purpose only, an officer of the court for examination within three days after such apprehension; and it shall thereupon be the duty of the court to investigate and ascertain whether such child is dependent and neglected, as described in the next preceding section of this chapter; its age, and the name and residence of its parents; and the said court shall have the power to compel the attendance of witnesses, and may, at his discretion, request the attendance of the County Attorney for such examination, and if requested, it shall be the duty of the County Attorney to attend accordingly. The parents, if their whereabouts is known, or persons having actual custody of such child, shall be duly notified of such examination not less than two days before the day set for such examination; and any friend may appear in behalf of any child, and at the discretion of the court any duly authorized representative of any children's aid society or institution may be asked to appear in behalf of any child; and if on such examination the court finds that any child is dependent or neglected, within the meaning of the next preceding section, or so as to be in a state of habitual vagrancy, or ill treated, so as to be in peril of life, health, or morals, by continued personal injury or misconduct on the part of parents or guardians, he shall enter such findings by proper order to that effect, and shall deliver such child to such children's aid society or institution as in his judgment is best suited to deal with said child, or order it to any suitable family home open to the court for the purpose, subject to the care, control and visitation of a probation officer. And the finding

of said court may further specify that the said children's aid society shall become and remain legal guardian of the child during the minority of such child, and as guardian said society shall, subject to the order of the court, report to the court from time to time. The court shall deliver to such children's aid society or institution a certified copy of the order made in the case, which shall contain, besides the finding, a statement of facts, so far as ascertained, as to the age of such child, name, nationality, and residence, other members of the family and occupation of parents or either of them, whether either of them is dead or has abandoned the child; and in case two or more from the same family, at the same time are under examination, a separate copy of such finding shall be given for each child.

Parents who have been deprived of their child under the provisions of this chapter, may petition the board of managers of the society to whom it has been committed, asking that the child be returned to them, on the grounds that they have reformed, or are in a condition to properly care for their child, and if the board, after a careful investigation of the facts, deem it for the best interests of the child, it may be returned to its parents, and the board shall file with the clerk of the court in which the original proceedings were held, a copy of the resolutions of the board, and when so filed, the guardianship of the society shall terminate, and the parents resume their natural relationship to such child.

**720x29. Abuse of Children. Penalty.** Any person over eighteen years of age, who, having the care, custody, control, or charge of a child under eighteen wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed in any manner likely to cause such child unnecessary suffering or serious injury to its health or morals, shall be guilty of an offense, under this chapter, and on conviction thereof, shall be liable, at the discretion of the court, to a fine not exceeding \$100, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

**720x30. Warrant to Issue for Offenders.** If it appears to any court of summary jurisdiction, as defined herein, or any court that may especially be designated by law to consider juvenile cases, on motion made before such court, under oath, by any person who, in the opinion of the court, is bona fide acting in the interest of any child that there is reasonable cause to suspect that such child under eighteen years has been or is being ill-treated or neglected, in any place within the jurisdiction of such court, in manner likely to cause the child unnecessary suffering, or to be injurious to its health or morals, such court or judge

having jurisdiction over juvenile cases may issue a warrant, authorizing any probation officer or other peace officer named therein, to search for the child, and to take it, and detain it in a place of safety until it can be brought before the proper court; and the court before whom the child is brought may cause it to be dealt with in a manner provided for by section 720x26. The court or judge issuing such warrant may, by the same warrant, cause any person accused of an offense in respect of the child to be apprehended and brought before the proper court, and proceedings to be taken to punish such person according to section 720x29. Any person authorized by warrant, under this section, to search for any child and to take it and detain it in a place of safety, may enter, if need be, by force, any house, building, or other place specified in the warrant, and may remove the child therefrom.

**720x32. Provision for Support.** Any Board of County Commissioners shall upon the application of any incorporated children's aid society or institution to whose custody and control a child has been committed by any court of summary jurisdiction make an order for the payment out of the treasury of the County to which the child belongs, of a reasonable sum, not to exceed fifty (50) cents per day for the actual number of days the said children's aid society or institution is actually providing for said child; and said sum per day shall be considered to cover all expenses incurred on the part of the said children's aid society or institution in temporarily caring for said child, finding a home for it, and subsequent supervision of it, the County being exempt from all further responsibility and expense of said child until it is of legal age. Any child shall be deemed to belong to the county in which said child has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the County from which the child was taken into custody shall be presumed.

1. When any child has resided in a County outside of any city of the first or second class, then the Board of County Commissioners of said County may, under the circumstances above set forth, make an order for the payment out of the County Treasury to such children's aid society of a sum not to exceed fifty cents per day, as above provided in the case of cities of the first class and second class.

2. Any child shall be deemed to belong to the County in which said child has last resided for the period of one year, but, in the absence of evidence to the contrary, residence for one year in the County from which the child was taken into custody shall be presumed.

Approved March 22, 1909.

CHAPTER 124.

AUTHORIZING UNIVERSITY OF UTAH TO ERECT A CENTRAL BUILDING.

An Act Authorizing the University of Utah to Erect a Central Building at a Cost Not Exceeding Two Hundred and Fifty Thousand Dollars, and Authorizing Partial Conversion of the University of Utah Permanent Land Fund into Cash, the Loan Thereof and Method of Repaying the Same.

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

**SECTION 1. Regents of University of Utah Authorized to Erect Central Building.** The regents of the University of Utah are hereby authorized and directed to expend two hundred and fifty thousand dollars, or so much thereof as may be necessary, to erect a central building on the University Campus and to do all acts and things necessary to accomplish such purpose.

**Sec. 2. Conversion of University Land Fund Investments. Loan Interest.** The State Board of Land Commissioners is hereby authorized and directed to convert sufficient investments of the University of Utah permanent land fund into cash and at once to pay the same, as well as all cash on hand or that may hereafter be received, belonging to such fund as a loan to the University of Utah, until such payments shall equal two hundred and fifty thousand dollars; provided that such loan shall be a debt of the University of Utah, and not of the State of Utah.

The interest on such land fund shall be paid as heretofore to the University of Utah for its general maintenance.

**Sec. 3. Id.** Whenever money is loaned from said University of Utah permanent land fund as herein provided, it is an investment thereof, and a loan only, to be repaid as specified in this Act.

**Sec. 4. University of Utah to Execute Obligation.** Whenever money is paid to the University of Utah from the University of Utah permanent land fund, as herein provided, then the University of Utah, by its chairman and secretary, shall execute and deliver to the State Board of Land Commissioners, the following obligations, correctly and appropriately filling the blanks, to-wit:

Salt Lake City, Utah, .....

\$.....

On or before ..... the University of Utah promises to pay to the State Board of Land Commissioners, or its successors, or

such officer as may be designated by law, ..... dollars, for the benefit of the University of Utah permanent land fund, together with interest from date until paid, at five per cent per annum, interest payable January 1st and July 1st of each year.

University of Utah,  
By .....  
Chairman of the Board of Regents of the University of Utah.

By .....  
Secretary of the Board of Regents of the University of Utah.

**Sec. 5. Id. When Payable.** In executing such obligation the sums first aggregating twelve thousand five hundred dollars, with interest thereon shall be made payable on or before January 1st, 1912. The next sums aggregating twelve thousand five hundred dollars with interest thereon shall be made payable on or before January 1st, 1913, and so on, making each payment for twelve thousand five hundred dollars, with interest payable one year later than the preceding payment.

**Sec. 6. Id. How Paid.** That the Board of Regents of the University of Utah are authorized and empowered to pay out of the funds appropriated, or otherwise available, for its general maintenance, the principal and interest of the said obligations as they become due.

**Sec. 7. Authority Granted.** All officers, so far as pertains to their respective official duties, are hereby empowered with the necessary authority to carry out the provisions of this Act, and are hereby directed so to do.

**Sec. 8. Construction.** All laws in conflict herewith shall be construed so as to carry out the provisions of this Act.

Approved March 22, 1909.

## CHAPTER 125.

## STATE VETERINARIAN.

An Act Creating the Office of State Veterinarian, Providing for the Appointment of Assistants, Prescribing Their Duties and Fixing Their Compensation and Making Regulations for the Prevention of the Spread of Contagious Diseases Among Certain Live Stock.

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

**SECTION 1. Appointment of State Veterinarian. Salary. Oath. Bond. Expenses.** The Governor and the Board of Trustees of the Agricultural College of Utah acting jointly shall appoint a State Veterinarian and Veterinarian of the College, who shall hold his office for two years unless sooner removed for incompetency or neglect of duty. Said veterinary surgeon shall be a graduate of some recognized college of good standing. He shall receive an annual salary not to exceed two thousand (\$2,000) dollars, half to be paid by the Agricultural College and the other half by the State, such salary to be paid as the salaries of other State officers. He must, before entering upon the duties of his office, take the official oath and execute a bond in the sum of three thousand (\$3,000) dollars, to be approved by the State Board of Examiners and filed with the Secretary of State. Said veterinarian shall be allowed his actual and necessary expenses, to be audited by the State Board of Examiners in any amount not to exceed in the aggregate of five hundred (\$500) dollars per annum, to be paid as the expenses of other State officers.

**Sec. 2. Answerable to Veterinarian.** It shall be the duty of the State Veterinarian to investigate all cases of contagious and infectious diseases among horses, cattle, mules, asses and swine or sheep for any disease other than scabbie [scabies], in the State which may come to his knowledge, and to make official visits of inspection to any locality where such diseases exist; and he may inspect, or cause to be inspected, all such animals as may be brought into the State in any manner or by whatsoever means from any other state or foreign country, and particularly from any locality included or defined in any proclamation issued by the Governor establishing a quarantine of any of the classes of animals enumerated herein.

**Sec. 3. Id.** Said veterinarian shall devote his entire time to the work of his office to the exclusion of private business, as near as may be one-half of his time to the work of the State, and one-half of his time to the Agricultural College, and he may be removed by the Governor and Board of Trustees of the college for inattention to duty or incompetency.

**Sec. 4. Contagious or Infectious Diseases** In all cases of contagious or infectious diseases among any animals mentioned in this Act, the veterinarian has authority to order a quarantine of the infected premises, and in case such disease becomes epidemic in any locality in this State, he shall immediately notify the Governor, who shall thereupon issue a proclamation forbidding any animal of the kind among which such epidemic exists being transferred from said locality, which locality shall be defined in said proclamation, without a certificate from the veterinarian showing such animal to be in good health. The expenses of holding, feeding and taking care of all animals quarantined under the provisions of this Act shall be paid by the owner, agent or person in charge of such animal.

**Sec. 5. Epidemic. Slaughter of Diseased Animals.** In case of any epidemic or disease where premises have been previously quarantined, the veterinarian is authorized and empowered when in his judgment necessary, to cause the slaughter of any and such diseased animals upon such diseased premises, and to continue in quarantine all such animals as have been exposed to contagion and infection. The order to slaughter such animals shall be in writing and in duplicate, and there must be a separate order and duplicate for each owner of the animals so condemned and slaughtered. The original of such order shall be filed by the veterinarian with the clerk of the county and the duplicate given to the owner.

**Sec. 6. Id.** Any of the animals of the classes hereinbefore enumerated which shall be, or become infected with any incurable disease, shall possess no property of value and may be condemned and destroyed without compensation to the owner, and it is the duty of the State Veterinarian or one of his assistants to superintend the slaughter of such animals as may be condemned, and the destruction of the carcass, which latter shall be burned to ashes or buried in the earth to a depth of not less than 4 feet, and to be covered with lime or coal oil.

**Sec. 7. Report.** The Veterinary Surgeon shall make an annual report to the Governor on or before the 30th day of November, of all matters connected with his work. The Governor shall transmit to the County Commissioners of each county such parts of the report as he may consider necessary or of general interest to the breeders of live stock.

**Sec. 8. Cases of Contagious or Infectious Diseases Among Animals to be Reported.** It is the duty of any person who, knowingly, has upon his premises, or upon the public domain, any case of contagious or infectious disease among such animals, to immediately report the same to



the State Veterinarian, and the failure to do so, or an attempt to conceal the existence of such disease, or to wilfully or maliciously, obstruct or resist the State Veterinarian or assistant surgeons in the discharge of his duties, shall constitute a misdemeanor.

**Sec. 9. Regulations.** The following regulations shall be observed in all cases of disease mentioned in this Act:

It shall be unlawful to sell, give away, or in any manner part with, to another, any animal infected with a contagious or infectious disease, or any animal which has, or which the owner or his agent, or employee or the party in possession thereof, has reason to believe has, within thirty days next preceding such transfer, been exposed to any infectious or contagious disease, without first notifying the proposed purchaser or purchasers of said animal that it is so infected or has been so exposed. It shall likewise be unlawful to sell, give away, or part with for use as food, any of the milk from any such animal, or to remove all or any part of the skin therefrom. A violation of the provisions of this section shall constitute a misdemeanor.

**Sec. 10. Assistant Veterinarians. Compensation. Oath. Bond.** The State Veterinarian may appoint assistant veterinarians not exceeding two in number, to act in case of emergency, who shall receive compensation for actual time engaged, not to exceed five (\$5) dollars per day and actual and necessary hotel and traveling expenses, to be paid out of the State Treasury. They shall take the oath of office and give bond in the sum of two thousand (\$2,000) dollars, to be approved by the Governor and filed with the Secretary of State.

**Sec. 11. Quarantine.** Upon receipt by the Veterinarian or Assistant Veterinarian of information in writing that animals of the classes mentioned in this Act are diseased, the said veterinarian or assistant veterinarian shall immediately cause such diseased animals and all animals running with them, or in the same band or herd, to be quarantined and held within a certain boundary to be defined by him, until such disease has been eradicated.

**Sec. 12. Assistant Veterinarian Answerable to State Veterinarian.** The assistant veterinarian shall be under direct control of the State Veterinarian, and answerable to him for any neglect of duty enjoined upon him by this Act.

**Sec. 13. Rules and Regulations.** The State Veterinarian is hereby empowered to make all needful rules and regulations for the proper enforcement of this Act, and all laws now in effect or that may hereafter

be enacted for the protection of the health of the domestic animals of the State, as mentioned in Section 2 of this Act.

Sec. 14. **Co-operation of U. S. Bureau of Animal Industry.** The Governor shall, through the Secretary of Agriculture at Washington, ask the co-operation of the United States Bureau of Animal Industry in controlling and eradicating contagious and infectious disease in animals enumerated in this Act and when said bureau, through its duly authorized representatives, agents or employees, shall be thus engaged they shall possess the same power and authority in this State as the State Veterinarian and his assistants under and by virtue of this Act.

Sec. 15. **Repeal.** All acts or parts of acts in conflict with this Act are hereby repealed.

Approved March 22, 1909.

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## CHAPTER 126.

### STATE BOARD OF PHARMACY.

An Act Amending Sections 1712, 1714, 1715, 1716, 1717, 1718, 1720, 1726, 1727 and 4282, Compiled Laws of Utah, 1907, Relating to the State Board of Pharmacy, the Appointment, Terms, Qualification, Compensation and Duties of its Members; the Registration of Pharmacists and Assistant Pharmacists and their Certificates; and Prohibiting the Sale of Poison to Certain Persons, and Regulating the Sale of Poisons and Providing Penalties Therefor.

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

SECTION 1. That Sections 1712, 1714, 1715, 1716, 1717, 1718, 1720, 1726, 1727 and 4282, Compiled Laws of Utah, 1907, be and the same are hereby amended to read as follows:

1712. **Registered Pharmacists.** No person shall be granted a license as a registered pharmacist until he shall have made written application to the board, setting forth by affidavit that he is the age of twenty-one years or upwards, that he has had at least five years' practical experience where drugs, medicines, and poisons were dispensed and retailed and prescriptions compounded, of which experience one year must have been had within the five years last preceding the date of such application, in a pharmacy or store in the United States of America, under the

personal supervision of a licensed pharmacist, and until he shall have paid such license fee as is fixed by said board, not exceeding the sum of \$10 and until he shall have passed an examination satisfactory to said board for the granting of such license, and said applicant shall satisfy said board by said examination that he is possessed of educational qualifications equal to those required to pass the eighth grade of the public schools.

1714. **Assistant's Certificate.** It shall be the duty of the Board of Pharmacy to grant an assistant's certificate to such persons as have had three years' practical experience in drug stores where prescriptions of medical practitioners are compounded, and have passed a satisfactory examination before said Board of Pharmacy. The holder of said certificate shall have the right to act as clerk or salesman during the temporary absence of the owner or manager thereof. Temporary absence, within the meaning of this Act shall be held to be only those unavoidable absences which may occur during the day's work, not to exceed ten days, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume direct supervision of said pharmacy. No registered assistant shall conduct the pharmacy.

1715. **Board May Refuse Registration.** The board shall have the right to refuse registration to applicants whose examination or credentials do not present satisfactory evidence of their competency. This provision shall also apply to the registration of assistant pharmacists hereinafter mentioned. The said Board of Pharmacy shall not grant a license to any applicant if satisfied that the safety of the public health will be endangered by reason of the habits or the character of said applicant. If any person shall have obtained a license by misrepresentation or fraud, or shall have become unfit or incompetent by reason of negligence, habits or other cause, to practice as a pharmacist or assistant pharmacist, the State Board of Pharmacy shall have the power to revoke such license after giving such person reasonable notice and opportunity to be heard; and if any licensee shall repeatedly violate any of the provisions of this Act or the rules and requirements established by the Board of Pharmacy, such board may revoke his or her license upon sufficient evidence of such violation, in addition to any other punishment that may be imposed by law. The said Board of Pharmacy shall have power to inspect or employ inspectors of pharmacy to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs and medicines and poisons are compounded, dispensed or retailed.

1716. **State Board of Pharmacy. Appointment. Terms.** The State Board of Pharmacy shall consist of five (5) competent pharmacists, each

of whom at the date of his appointment shall have had ten (10) years' experience as a dispensing pharmacist and not more than two of whom shall be selected from any one city or town of the State. During the month of January of each year, the Governor shall nominate and by and with the consent of the Senate, appoint one person as a member of said board, and the person so appointed shall hold office for five (5) years and until the appointment of his successor. The Governor shall fill all vacancies by appointment, giving due consideration to those recommended by the Utah State Pharmaceutical Association at its annual meeting. The members of the board now serving, shall hold office until January of the year in which their term of office under their present appointment shall expire, and until the appointment of their respective successors.

1717. **Id. Officers.** During the month of April of even numbered years, the board shall meet and organize by electing a president and a secretary from among its members, whose terms of office shall be for two years and until the election of their successors.

1718. **Id. Duties.** It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this title; to cause the prosecution of all persons violating its provisions; to report biennially to the Governor and annually to the Utah State Pharmaceutical Association at its annual meeting the condition of pharmacy in this State. Said report shall also furnish a record of the proceedings of the said board, and account for all money received and disbursed pursuant to this title, and shall also contain the names of all pharmacists duly registered. The board shall hold meetings for examination of applicants for registration, and for the transaction of such other business as shall pertain to its duties, at least once in three (3) months, and shall give by publication at least thirty (30) days' public notice of the time of such meetings. It shall have power to make by-laws for the proper performance of its duties. It shall keep a book of registration, in which shall be entered the names and places of business of all persons registered under this title, and all facts placed before the board entitling them to registration. Three (3) members of said board shall constitute a quorum.

1720. **Renewal of Registration.** Every registered pharmacist or assistant pharmacist, who desires to continue in the pursuit of pharmacy, shall annually after the expiration of the first year of registration on or before the second day of January of each year, pay to the secretary of the Board of Pharmacy a renewal fee to be fixed by the board, which shall not exceed two (\$2.00) dollars for registered pharmacists and

one (\$1.00) dollar for assistant pharmacists, in return for which a renewal registration shall be issued. If any person shall fail or neglect to procure his annual registration as herein specified, notice of such failure having been mailed to his postoffice address, as obtained from the books of the secretary, the board may, after the expiration of one (1) year, deprive him or her of his or her registration. In order for such persons to regain registration, it will be necessary for them to apply and pass the examination as provided in Sections 1712 and 1714 of this Act.

**1726. Adulterations or Alterations a Misdemeanor.** Unless otherwise prescribed for or specified by the customer, all pharmaceutical preparations sold or dispensed in a pharmacy, dispensary, store, or place shall be of the standard strength, quality and purity established by the last edition of the United States Pharmacopoeia and National Formulary. Any person who shall wilfully adulterate or alter, or cause or permit to be adulterated or altered, any drug, medicine, or pharmaceutical preparation, or shall sell or offer for sale any such adulterated or altered article, and any person who shall substitute one material for another, with the intent to defraud or deceive the purchaser, shall be guilty of a misdemeanor. All penalties collected for such violation shall be paid to the said Board of Pharmacy to be held by it as hereinbefore directed.

**1727. Selling and Labeling Poisons.** It shall be unlawful for any person to vend, sell, give away or furnish either directly or indirectly any poisons enumerated in schedule "A" or in Sections 1727-A and 1727-B as hereinafter set forth in this Act, without labeling the package, box, bottle or paper in which said poison is contained, with the name of the article, the word "Poison" and the name and place of business of the person furnishing the same. Said label shall be substantially in the form hereinafter provided. It shall be unlawful to sell or deliver any of the poisons named in schedule "A" or any other dangerously poisonous drug, chemical, or medical substance, which may from time to time be designated by the State Board of Pharmacy of Utah, unless on inquiry it is found that the person desiring the same is aware of its poisonous character, and it satisfactorily appears that it is to be used for a legitimate purpose. It shall be unlawful for any person to give a fictitious name or make any false representations to the seller or dealer when buying any of the poisons thus enumerated. Printed notice of all such additions to the schedule of poisons named and provided for in this section, adopted by the Board of Pharmacy for such poisons, shall be given to all registered pharmacists with the next following renewal of their certificates. It shall be unlawful to sell or deliver any poison included in schedule "A" or the additions thereto.

without making or causing to be made, an entry in a book kept solely for that purpose, stating the date of sale, and the name, address of the purchaser, the name and quantity of the poison sold, the statement by the purchaser of the purpose for which it is required, and the name of the dispenser, who must be a duly registered pharmacist. Said book shall be in form substantially as follows:

.....  
 Date. Name of Residence. Kind and Purpose. Signature of  
 Purchaser. Quantity. Of use. Druggist.  
 .....

This book shall always be open for inspection by the proper authorities and shall be preserved for at least five (5) years after the date of the last entry therein. The label required by this Act, to be placed on all packages of poison, shall be printed upon red paper in distinct white letters, or in distinct red letters upon white paper, and shall contain the word "poison" the "vignette" representing the skull and cross-bones, with the antidote distinctly shown, and the name and address of the person or firm selling the same. No poison shall be sold or delivered to any person who is less than eighteen years of age. When in the opinion of the State Board of Pharmacy, it is in the interest of the public health, they are hereby empowered to further restrict, or prohibit the retail sale of any poison by rules, not inconsistent with the provisions of this Act, by them to be adopted, and which rules must be applicable to all persons alike. It shall be the duty of the board, upon request, to furnish any dealer with a list of all articles, preparations and compounds, the sale of which is prohibited or regulated by this Act. Wholesale dealers and pharmacists shall affix or cause to be affixed to every bottle, box, parcel or other enclosure of an original package containing any of the articles named in schedule "A," the additions thereto, or in Section 1727-A and 1727-B, of this Act, a suitable label or brand with the word "poison," but they are hereby exempted from the registration of the sale of such articles when sold at wholesale to a registered pharmacist, physician, dentist, or veterinary surgeon, duly licensed to practice in the State; provided, that the provisions of this Act shall not apply to the sale of such upon the prescriptions of practicing physicians, dentists or veterinary surgeons who are duly licensed to practice in this State. It is hereby made the duty of the County Attorney of the county wherein any violation of this Act is committed, to conduct all actions and prosecutions for the same, at the request of the Board of Pharmacy. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction of the same shall be punished by a fine of not less than thirty (\$30) dollars or more than one hundred (\$100) dollars, or by imprison-

ment for not less than fifteen (15) days, or by both fine and imprisonment. All fines recovered under this Act shall be paid by the magistrate receiving the same to the State Board of Pharmacy.

Schedule "A." Arsenic, its compounds and preparations, carbolic acid, chloral hydrate, corrosive sublimate, cyanide of potassium, essential oil of bitter almonds, hydrocyanic acid, opium, oils of croton, rue, savin, tansy, and pennyroyal, phosphorus, strophanthus, strychnine, tartar emetic, aconite, or any poisonous vegetable alkaloids and their salts, ergot, cotton root, and their preparations.

1727-A. **Sale of Morphine.** The sale of morphine is hereby prohibited, unless upon the prescription of a physician, dentist, or veterinary surgeon.

1727-B. **Certain Drugs That May be Sold Without Registration.** Schedule "B". The drugs hereinafter named may be sold without registration in the poison book as in this Act required; provided, however, that in all other respects the requirements of this Act as to the sale of poisons must be complied with; acid muriatic, nitric, oralic and sulphuric, bromine, cocculus indicus, conium, cowhage, creosote, solution of formaldehyde or formalin, hysocyamus, Indian hemp, iodine and its tinctures, nitro-glycerine and its preparations, santonine, sugar of lead, sulphate of zinc, cantharides, digitalis, wood alcohol, chloroform, poisonous derivatives of mercury, bichloride mercury tablets, ether, belladonna, nux vomica, veratrum viride, yellow jessamine, their alkaloids and other preparations.

4282. **Omitting to Label or Mislabeled Drugs. Prescriptions.** Every apothecary, druggist or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, wilfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp or other designation of contents, upon any box, bottle or other package containing any drug or medicines, or substitute a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or, if death ensues, is guilty of a felony.

Sec. 2. This Act shall take effect upon approval.

Approved March 22, 1909.

## SENATE JOINT RESOLUTION NO. 2.

PROPOSING AN AMENDMENT TO SECTION 7 OF ARTICLE 13 OF THE CONSTITUTION.

A Joint Resolution Proposing an Amendment to Section 7 of Article XIII. of the Constitution of the State of Utah, Relating to the Rate of Taxation.

*Be it Enacted by the Legislature of the State of Utah, Two-thirds of all the Members Elected to each of the Two Houses Concurring Therein:*

SECTION 1. That it is proposed to amend section 7 of Article XIII, of the Constitution of the State of Utah so that the same will read as follows:

7. The rate of taxation on property for State purposes shall never exceed eight mills on each dollar of valuation to be apportioned as follows: Not to exceed four and one-half mills on each dollar of valuation for general State purposes; not to exceed three mills on each dollar of valuation for district school purposes; not to exceed one-half mill on each dollar of valuation for High School purposes; that part of the State tax apportioned to high school purposes shall constitute a fund to be called the "high school fund" and shall be apportioned to the cities and school districts maintaining high schools in the manner the Legislature may provide. And whenever the taxable property within the State shall amount to four hundred million dollars, the rate shall not exceed five mills on each dollar of valuation; unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, be first submitted to a vote of such of the qualified electors of the State as, in the year next preceding such election, shall have paid a property tax assessed to them within the State, and the majority of those voting thereon shall vote in favor thereof, in such manner as may be provided by law.

Sec. 2. The Secretary of State is directed to submit this proposed amendment to the electors of the State at the next general election in the manner provided by law.

Sec. 3. If adopted by the electors of the State, this amendment shall take effect January 1st, 1911.

Approved March 22, 1909.



## SENATE JOINT RESOLUTION NO. 6.

A Joint Resolution Requesting the Senators and the Representative in Congress from Utah to Endeavor to Secure an Amendment to the Interstate Commerce Act to Prohibit the Shipment of Alcoholic Liquors in Certain Cases.

*Be it resolved by the Legislature of the State of Utah:*

That the Senators and the Representative in Congress from the State of Utah be and they are hereby respectfully requested to use their best endeavors to secure an amendment to the Inter-State Commerce Act, so that the same will prohibit the shipment of alcoholic liquors into States, which by law prohibit the manufacture and sale of alcoholic liquors;

That copies of this resolution be immediately forwarded to each Senator and the Representative in Congress from this State.

Approved March 22, 1909.

## SENATE JOINT RESOLUTION NO. 8.

PROPOSING AN AMENDMENT TO SECTION 1 OF ARTICLE 14 OF THE CONSTITUTION.

A Joint Resolution Proposing an Amendment to Section 7 of Article XIV of the Constitution of the State of Utah in Relation to the Limit of the State Indebtedness.

*Be it Resolved by the Legislature of the State of Utah, Two-thirds of all the Members Elected to Each of the Two Houses Concurring Therein:*

SECTION 1. It is proposed to amend Section 1 of Article XIV of the Constitution of the State of Utah so that the same will read as follows:

Sec. 1. To meet casual deficits or failures in revenue, and for necessary expenditures for public purposes, including the erection of public buildings, and for the payment of all Territorial indebtedness assumed by the State, the State may contract debts, not exceeding in the aggregate at any one time, an amount equal to one and one-half per centum of the value of the taxable property of the State, as shown by the last assessment for State purposes, previous to the incurring

of such indebtedness. But the State shall never contract any indebtedness, except as in the next Section provided, in excess of such amount, and all moneys arising from loans herein authorized, shall be applied solely to the purposes for which they were obtained.

Sec. 2. The Secretary of State is directed to cause this proposed amendment to be published as required by the Constitution and to be submitted to the electors of the State at the next general election in the manner provided by law.

Sec. 3. If approved by the electors of the State, this proposed amendment shall take effect upon the first day of January, A. D. 1911.

Approved March 22, 1909.

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## HOUSE JOINT RESOLUTION NO. 2.

**Application of Regents of University of Utah to Trustees of Carnegie Foundation for Advancement of Teaching.**

WHEREAS; the Trustees of the Carnegie Foundation for the Advancement of Teaching have included the State universities in the list of beneficiaries of the Honorable Andrew Carnegie's generous gift for the advancement of teaching, and

WHEREAS, the University of Utah is entitled to become a beneficiary because it is a State University and because it meets the requirements set forth by the Trustees of the Foundation; therefore be it

Resolved by the Senate, and the House of Representatives of the State of Utah, that the Legislature of Utah hereby heartily approves the application made by the Regents of the University of Utah to the Trustees of the Foundation, for the University of Utah to be included with the educational institutions that are to share in the retiring allowance system of the Carnegie Foundation for the Advancement of Teaching.

Approved February 26th, 1909.

## HOUSE JOINT RESOLUTION NO. 3.

BE IT RESOLVED by the House of Representatives, the Senate Concurring, that

WHEREAS, It is the desire and wish of the Legislature that suitable portraits of the Governors of this State should be made and hung in the Executive Chambers.

NOW BE IT THEREFORE RESOLVED, That his Excellency, the Governor of this State is hereby requested to procure a suitable oil portrait of former Governor John C. Cutler, to become the property of the State and to be hung in the Executive Chamber; and the sum of One Thousand Dollars or as much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this Resolution.

Approved February 16th, 1909.

## HOUSE JOINT RESOLUTION NO. 6.

PROPOSING AN AMENDMENT TO SECTION 4 OF ARTICLE 14 OF THE CONSTITUTION, RELATING TO LIMIT OF INDEBTEDNESS OF COUNTIES, CITIES, TOWNS AND SCHOOL DISTRICTS.

A Joint Resolution Proposing an Amendment to Section 4, of Article 14, of the Constitution of the State of Utah, in Relation to the Limit of Indebtedness of Counties, Cities, Towns, and School Districts.

*Be it resolved by the Legislature of the State of Utah, two-thirds of all members elected to each of the two Houses concurring therein:*

SECTION 1. That it is proposed to amend Section 4, of Article 14, of the Constitution of the State of Utah, so that the same shall read as follows:

Sec. 4. When authorized to create indebtedness as provided in Section 3 of this Article, no County shall become indebted to an amount, including existing indebtedness exceeding two per centum. No city, town, school district or other municipal corporation, shall become indebted to an amount, including existing indebtedness, exceeding four

per centum of the value of the taxable property therein, the value to be ascertained by the last assessment for State and County purposes, previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes; provided, that no part of the indebtedness allowed in this section shall be incurred for other than strictly County, City, Town or school district purposes; provided further, that any city of the first and second class when authorized as provided in Section three of this article, may be allowed to incur a larger indebtedness, not to exceed four per centum and any city of the third class, or town, not to exceed eight per centum additional, for supplying such city or town with water, artificial lights or sewers, when the works for supplying such water, light and sewers, shall be owned and controlled by the municipality.

Sec. 2. The Secretary of State is directed to cause this proposed amendment to be published as required by the Constitution and to be submitted to the electors of the State at the next general election in the manner provided by law.

Sec. 3. If approved by the electors of the State, this proposed amendment shall take effect on the first day of January, 1911.

Approved March 10th, 1909.

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### HOUSE JOINT RESOLUTION NO. 14.

#### PROPOSING AN AMENDMENT TO SEC. 2 OF ARTICLE 10.

A Resolution Proposing an Amendment to Section 2 of Article X of the Constitution of the State of Utah, as Amended January 1, 1907, Relating to the Public School System, and Section 3 of Article X of the Constitution of the State of Utah, Relating to the State School Fund.

*Be it resolved and enacted by the Legislature of the State of Utah, two-thirds of all the members elected to each of the two Houses concurring therein:*

SECTION 1. That it is proposed to amend Section 2 of Article X of the Constitution of the State of Utah, as amended January 1st, 1907, and Section 3 of Article X of the Constitution of the State of Utah, so the same will read as follows:

Sec. 2. The public school system shall include kindergarten

schools; common schools, consisting of primary and grammar grades; high schools, an agricultural college; a university; and such other schools as the Legislature may establish. The common schools shall be free. The other departments of the system shall be supported as provided by law.

Sec. 3. The proceeds of all lands that have been or may be granted by the United States to this State, for the support of the common schools; the proceeds of all property that may accrue to the State by escheat or forfeiture; all unclaimed shares and dividends of any corporation incorporated under the laws of this State; the proceeds of the sale of timber, mineral or other property from school and State lands, other than those granted for specific purposes; and five per centum of the net proceeds of the sale of public lands lying within the State, which shall be sold by the United States, subsequent to the admission of this State into the Union, shall be and remain a perpetual fund, to be called the State School Fund, the interest of which only, together with such other means as the Legislature may provide, shall be distributed among the several school districts according to the school population residing therein. Provided, that all funds derived from any State tax for high schools shall be apportioned among the several cities and school districts according to the attendance at the high schools therein; but no city or district shall be entitled to any part of the fund derived from the State tax for high schools unless the high school therein is maintained upon the standard and for the period during the year that may be fixed by the State Board of Education.

Sec. 4. The Secretary of State is directed to submit this proposed amendment to the electors of the State at the next general election, in the manner provided by law.

Sec. 5. If adopted by the electors of the State, this amendment shall take effect January 1, 1911.

Approved March 22, 1909.

## SENATE JOINT MEMORIAL NO. 1.

Asking an Appropriation of 3,000,000 Acres of Arid Land for Building State Capitol and Improving Public Roads.

A Memorial Asking an Appropriation of 3,000,000 Acres of Arid Land for Building a State Capitol and the Improvement of public roads of the State of Utah. A Memorial from the Governor and Legislature of the State of Utah, to the President, the Senate and House of Representatives of the United States.

*To the President of the United States, and to the Senate and House of Representatives of the United States of America in Congress Assembled:*

The Governor and the Legislature of the State of Utah respectfully ask that there be donated to the State of Utah 3,000,000 acres of public lands, non-mineral and unallotted, arid and incapable of irrigation, within the State of Utah, to be sold by the State under such rules as Congress may prescribe, the proceeds to be applied equally to the improvement of the public roads of the State and the construction of a State House or Capitol Building for the State of Utah.

Your memorialists represent that the National Government now has within the State of Utah over 37,000,000 acres of public land, subject to homestead entry. Residence thereon while reclaiming cannot reasonably be expected, and there is no law now in effect by which title to this land can be transferred to the State.

The cash proceeds of the sale of lands, as suggested in this Memorial, will enable Utah to penetrate all sections of the State with good highways. The effect will be to open regions not now considered desirable. And much of the land not distinctly arid, but never likely to be taken up by settlers, will then become in immediate demand.

The mining interests of our State are among its most important assets. For fifty years prospectors have traversed its hills and mountains. Many prospects have been located and many abandoned mines await the advent of roads to mark their development.

Supplementing the big highway, to be made possible by the present plan, will be the building of connecting and tributary roads, leading to the main line at the expense of our citizens.

Communication throughout the State will then be rendered easy

and pleasant. Settlement with the consequent appreciation in land values will naturally follow. Farms feel the influence of good roads, and the fences, the buildings, and even interior furnishings of the houses will improve with the improved outdoor means of travel.

Utah should have a State House. The material is in the State and its use will vastly benefit every interest of our commonwealth.

In States where swamp lands were found the Federal Government has ceded large tracts of these lands, and they have been advantageously disposed of for the good of the State and the good of the Nation.

By way of summary, we ask the Government for land not of present value to the Nation and incapable under present conditions of becoming valuable. If the grant is made the value of all the land remaining in Government ownership will be greatly increased.

Resolved, That copies of this memorial be engrossed and forwarded, one each to the President, the Senate, and the House of Representatives, to Senator Reed Smoot, Senator George Sutherland and Congressman Joseph Howell, with the request that Utah's Congressional delegation use every legitimate effort to cause the provisions of this memorial to be enacted into law by the Congress of the United States.

Approved February 11th, 1909.

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## SENATE JOINT MEMORIAL NO. 2.

PROTESTING AGAINST THE REMOVAL OR REDUCTION OF THE TARIFF ON  
LEAD, WOOL AND HIDES.

*To the Honorable Senate and House of Representatives of the United States:*

Your Memorialists, the Legislature of the State of Utah, respectfully represent that the Mining and the Live Stock Industry of the State of Utah, are the greatest industries and more capital is invested therein than in any other of the industries of this State, and

WHEREAS, even under the present tariff on lead in ores a majority of the lead mines of Utah can not be operated at a profit, on account of the low metal prices, and,

WHEREAS, if the present tariff is reduced at all, our labor in the lead mines would be compelled to compete with Mexican peon labor making the production of lead in Utah prohibitory, and,

WHEREAS, the raising of stock and the shipping of hides, to be used in the manufacture of leather has built up a large industry, and the shipping of hides to the Eastern market to be used in the manufacture of leather has greatly increased the live stock industry of this State;

THEREFORE, Your Memorialists respectfully urge the Congress of the United States to maintain the present tariff on lead, wool and hides and that no change be made in the tariff revision affecting these articles;

BE IT FURTHER RESOLVED that a copy of this memorial be forwarded to our Senators and Representative in Congress to be by them presented to the Senate and House of Representatives.

Approved March 22, 1909.

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## HOUSE JOINT MEMORIAL NO. 1.

### MEMORIAL.

Memorial to the Congress of the United States, asking that that Portion of Arizona Territory Lying North of the Colorado River be Annexed to the State of Utah.

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

WHEREAS, That portion of the Territory of Arizona, lying north of the Colorado River, by reason of its geographical position, is cut off from said Territory and the benefits of local or other government, and said river operates as an impassable barrier separating such portion from the rest of the Territory and rendering communication between the inhabitants of the two sub-divisions almost impossible, thus depriving the inhabitants of the territory north of said river of the benefits of local or Territorial government; and

WHEREAS, Such inhabitants have their interests in common with the people of Utah, and all their associations and dealings with the lat-



ter, and it is desired by them that said area north of said river be detached from Arizona and annexed to the State of Utah; and

WHEREAS, Such area is deprived of water and other resources by which alone it can be developed or become valuable, and its physical conditions are such that its future development, either in population or wealth, is impossible, and it can be used only for grazing purposes, so that its segregation from the counties and territory of which it is now a part will prove of no disadvantage to them; and

WHEREAS, The greater portion of the property, both real and personal, within such area, is owned by the inhabitants of the State of Utah, and the value of the property within such section will not increase because of the scarcity of water and the absence of resources therein, and the greater portion of the property therein consists of cattle, horses and sheep which graze in Utah and within such section, crossing and re-crossing the boundary line, so that it is impossible either for the State of Utah or the Territory of Arizona to obtain revenue by assessment or otherwise from such property; and

WHEREAS, By reason of such area being isolated from the rest of the Territory of Arizona, it is impossible to administer the laws of said Territory, or enforce the criminal statutes, or the legal ordinances or provisions, or preserve peace and order; as a result of which criminals rendezvous therein and obtain immunity from prosecution; and

WHEREAS, Such area, by reason of its physical situation and of the interests of the people owning property therein, should belong to the State of Utah, and its annexation to the State of Utah would be productive of the greatest good to all interests, and would be of advantage to the people residing in and who are interested in said tract of land, the majority of said residents having petitioned the Congress of the United States to annex said tract to the State of Utah; therefore,

BE IT RESOLVED, by the Senate and House of Representatives of the State of Utah, and the Governor, concurring, that your Honorable Body be and is hereby asked and petitioned to enact the necessary legislation in order that the tract of country in Arizona Territory lying north of the Colorado River, be annexed to and become a part of the State of Utah, and the making of said river the boundary line between the State of Utah and the Territory of Arizona.

Approved January 27th, 1909.

## SENATE CONCURRENT RESOLUTION NO. 2.

LEGISLATIVE BILLS AND DOCUMENTS MAY BE ENGROSSED OR TYPEWRITTEN.

BE IT RESOLVED by the Senate and House of Representatives; that for the expedition of the business of the Legislature of the State of Utah, that all bills and other documents ordered engrossed by either house of the Eighth Session of the Legislature shall be delivered to the engrossing clerk of the house ordering the engrossment, who shall without delay have them properly engrossed with pen and ink, on stable paper, or typewritten with record ink on heavy bond paper, in the order received by him.

All bills and other documents that have been so typewritten shall be considered engrossed.

Be it further resolved that the Secretary of State is hereby ordered and directed to furnish the necessary supplies and materials for the proper engrossing of all bills and other documents ordered engrossed.

Approved March 11th, 1909.

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HOUSE CONCURRENT RESOLUTION NO. 1.

REQUESTING THE GOVERNOR TO RETURN H. B. NO. 176.

BE IT RESOLVED by the House of Representatives, the Senate concurring, that his Excellency the Governor be requested to return to this House, H. B. No. 176, by Committee on Manufacture and Commerce, for further consideration and amendment.

Approved March 11th, 1909.

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