

L A W S
OF THE
TERRITORY OF UTAH,

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

HELD AT
The City of Salt Lake, the Capital of said Territory,
Commencing January 9. A. D. 1888, and
Ending March 8, A. D. 1888.

PUBLISHED BY AUTHORITY.

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1888.

proved sureties, in the penal sum of not less than five thousand nor more than twenty thousand dollars, conditioned for the faithful abstracting of said records, and the issuing of correct abstracts of titles. Said bond shall also provide that the said person, his agent or employee, shall be held liable for any mutilation of the records in his possession.

Liability.

Sec. 17. Every person conducting said abstract business shall be liable to the same penalties for mistakes and errors in abstracts as county recorders.

Sec. 18. That an ordinance in relation to county recorders, approved March 2, 1850, and Sec. 1, 4 and 5 of "An Act in Relation to County Recorders, and the Acknowledgement of Instruments of Writing," approved January 19, 1885, are hereby repealed.

Approved March 8, 1888.

CHAPTER L.

COUNTY GOVERNMENTS.

AN ACT to Establish a Uniform System of County Governments.

Counties as now organized or may be created are bodies politic.

Bodies politic.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That the several counties of this Territory, as they now exist, and such other counties as may be hereafter organized according to law, are bodies corporate and politic, and as such have the powers specified in this act, and such other powers as are necessarily implied.

POWERS, HOW EXERCISED.

Powers.

Sec. 2. The powers of a county can only be exercised by the county court, or by agents and officers acting under its authority, or authority of law.

NAME.

SEC. 3. The name of a county designated in the law creating it is its corporate name, and it must be designated thereby in all actions and proceedings touching its corporate rights, property and duties. Name.

POWERS.

SEC. 4. It has power:

1. To sue and be sued.
2. To purchase and hold land within its limits necessary and proper for county purposes. Powers.
3. To make such contracts, and purchase and hold such personal property as may be necessary to the exercise of its powers.
4. To manage and dispose of its property as the interests of its inhabitants may require.
5. To levy and collect such taxes, for purposes under its exclusive jurisdiction, as are authorized by law.

RESTRICTIONS.

SEC. 5. No county shall in any manner give or loan its credit to, or in aid of, any person or corporation. No county shall incur any indebtedness or liability in any manner, or for any purpose, to an amount exceeding in any year the total amount of its income and revenue for the two fiscal years immediately preceding the incurring of such indebtedness. Any indebtedness or liability incurred contrary to this provision shall be void. Restrictions.

CERTAIN CONTRACTS VOID.

SEC. 6. All contracts, authorizations, allowances, payments and liabilities to pay, made or attempted to be made, in violation of this act, shall be absolutely void, and shall never be the foundation of a claim against such county. Void contracts.

PENALTY FOR ALLOWING CERTAIN CLAIMS.

SEC. 7. Any probate judge or selectman or

Penalty.

any other officer, who knowingly authorizes, or aids to authorize, or audits, or allows any claim or demand upon or against the county, or any fund thereof, in violation of any of the provisions of this act, shall be liable in person and upon their several official bonds, to any person damaged by such illegal authorization, to the extent of his loss.

COUNTY SEATS.

County seats.

SEC. 8. The county seats of the respective counties of this Territory, as now fixed by law, are hereby recognized as, and declared to be, the county seats of the respective counties, and may be removed as provided by law.

Selectmen and election.

SEC. 9. At the general election to be held in the year 1888, and biennially thereafter, one selectman shall be elected in each county of this Territory, whose term of office shall be two years and until his successor shall be elected or appointed and qualified, and at the general election to be held in the year 1889, and biennially thereafter, two selectmen shall be elected in each county of this Territory, whose terms of office shall be two years and until their successors shall be elected or appointed and qualified; *Provided*, that the probate judges and selectmen now holding office in the several counties of this Territory shall continue in office, and exercise all the powers conferred by this act upon the county courts, until the terms of office for which they were elected shall expire, and their successors shall be elected or appointed and qualified; except the selectmen whose terms of office would expire at the general election in the year 1890, and their terms of office are hereby shortened and shall expire at the general election to be held in the year 1889.

COUNTY COURTS.

County court.

SEC. 10. Each county shall have a county court, consisting of the probate judge of such county and three selectmen.

QUALIFICATIONS.

SEC. 11. Each member of the county court must be an elector of the county for which he is elected or appointed, and must have been such for at least one year immediately preceding his election. Qualification.

VACANCY, HOW FILLED.

SEC. 12. Whenever a vacancy occurs in the office of selectman, the county court shall fill the vacancy by appointment, the appointee to hold office for the unexpired term. In case there should not be a majority of such court remaining in office, then the proper election officers who have charge of the conduct and management of county elections in any such county, shall forthwith order a special election to fill vacancies; and the persons so elected shall enter upon the duties of their office immediately upon their election and qualification, and shall hold office for the unexpired term. Vacancy.

CHAIRMAN.

SEC. 13. The probate judge shall, if present, preside at all meetings of the county court, and in case of his absence or inability to act, the members present must select one of their number to preside temporarily. Chairman.

Any member of the court may administer oaths to any person when necessary in the performance of their official duties. Oaths.

A majority of the members shall constitute a quorum for the transaction of business; but no act of the court shall be valid or binding unless a majority of the members concur therein. Quorum.

CLERK OF THE COUNTY COURT.

SEC. 14. The clerk of the court must:

1. Record all the proceedings of the court.
2. Make full entries of all their resolutions and decisions or questions concerning the raising of money for, and the allowance of accounts against the county. Clerk of court, his duties.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

4. Immediately after the adjournment of each meeting of the court, prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said lists shall be countersigned by the probate judge, and thereafter said clerk shall deliver to and leave with the treasurer one of said lists, and return and file in his office the other list.

5. Keep an accurate account of all receipts and expenditures of his county, also of all debts payable to and by said county.

At the first session of the court held in each year the clerk shall submit to the said court a statement showing the total amount received from each source of revenue during the fiscal year ending on the thirty-first day of December last preceding, the balance, if any, in the treasury at the close of the previous fiscal year; the expenditures during the fiscal year just closed, specifying separately the total amount paid to each officer and the total amount for each and every disbursement, the balance on hand, if any, together with a statement of all the debts payable to and by said county.

He shall, within thirty days after the auditing of such statement by the court, transmit a certified copy thereof to the auditor of public accounts, to be filed by him and furnished to the legislative assembly during the first two weeks of the next succeeding session.

He shall also file and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file all accounts acted upon by the court.

7. Preserve and file all petitions and applications and record the action of the court therein.

8. Authenticate with his signature and seal of the court the proceedings of the court whenever the same shall be ordered published.

9. Record all orders levying taxes; and

10. Perform all other duties required by law, or any rule or order of the court.

DUTY OF THE COURT.

SEC. 15. The court must cause to be kept:

1. A minute book, in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings. Duty of the court.

2. An allowance book, in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A road book, containing all proceedings and adjudications relating to the establishment, maintenance, change and discontinuance of roads and road districts.

4. A warrant book, to be kept by the clerk, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee.

REGULAR MEETINGS.

SEC. 16. The county court must be held at their respective county seats on the first Monday in March, June, September and December in each year, and oftener, if they deem it necessary. Regular meetings.

SPECIAL MEETINGS.

SEC. 17. If at any time the business of the county requires a meeting of the court, a special meeting may be ordered by the probate judge or by a majority of the court. The order must be Special meetings.

signed by the probate judge or by the selectman calling such meeting, and must be entered in the minutes of the court. Five days notice of such meeting must be given by the clerk to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other than that specified must be transacted at such special meeting.

ALL MEETINGS MUST BE PUBLIC.

Public
meetings.

SEC. 18. All meetings of the court must be public and the books, records and accounts must be kept at the office of the clerk, open at all times during business hours for public inspection, free of charge.

GENERAL PERMANENT POWERS OF COURT.

POWERS.

SEC. 19. The county courts in their respective counties have jurisdiction and power under such limitations and restrictions as are prescribed by law.

SUPERVISE CONDUCT OF OFFICERS.

Powers of
the court.

1. To direct prosecutions for delinquencies.
2. To supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county, except municipal corporations charged with the assessing, collecting, safe keeping, management or disbursement of the public revenues; see that

They faithfully perform their duties, and when necessary require them to renew their official bonds, to make reports and to present their books and accounts for inspection.

DIVIDE COUNTY.

County
districts.

3. To divide the counties into school, road and other districts required by law, change the same and create others as convenience requires.

ELECTION PRECINCTS, ETC.

4. To establish, abolish and change county election precincts, but no such precinct shall be established or abolished, or the boundaries of any precinct changed within thirty days prior to any election. ^{Precinct.}

PUBLIC ROADS.

5. To lay out, maintain, control and manage public roads, turnpikes, ferries and bridges within the county. ^{Roads.}

INDIGENT SICK AND POOR.

6. To provide for the care and maintenance of the indigent sick or the otherwise dependent poor, transients and residents of the county; erect, officer and maintain hospitals and poor houses, in their discretion therefor, or otherwise provide for the same; and for such purposes, annually, at the time appointed by law for the levying of taxes for county purposes, to levy the necessary property tax therefor; *Provided*, the county court shall appoint (not let to the lowest bidder) some suitable person or persons to take care of and maintain such hospitals and poor houses, and the court shall also appoint (not let to the lowest bidder) some suitable graduate in medicine to attend such indigent sick or otherwise dependent poor. ^{Indigent poor and sick.} ^{Taxes, hospital, poor house.}

FARM.

7. To provide a farm and work shops in connection with the county hospital or poor house, sufficient to employ the inmates thereof, and make rules and regulations for working the same. ^{Farm.}

COUNTY OFFICES.

8. When there are no necessary county buildings to provide suitable rooms for county purposes. ^{Offices.}

PURCHASE AND CONTROL REAL ESTATE.

9. To purchase, receive by donation or lease any real or personal property necessary for the ^{Property.}

use of the county, and preserve, take care of and manage and control the same.

COURT HOUSE, JAIL AND HOSPITAL.

Public build-
ings.

10. To cause to be erected or rebuilt and furnished, a court house, jail, hospital and such other public buildings as may be necessary; *Provided*, that none of the aforesaid buildings shall be erected or constructed until plans and specifications shall have been made therefor and adopted by the court; all such buildings must be erected by contract let to the lowest responsible bidder, after notice.

SELL CERTAIN PROPERTY OF THE COUNTY.

Sale of
property.

11. To sell at public auction at the court house door, after thirty days previous notice given, either by publication in a newspaper published in the county or 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.

EXAMINE AND AUDIT ACCOUNTS.

Audit account.

12. To examine and audit at least once a year 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.

SAME.

Same.

13. To examine, settle and allow, all accounts legally chargeable against the county and order warrants to be drawn on the county treasurer therefor.

LEVY TAXES.

Levy taxes.

14. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repairs of roads

and highways and other district purposes; *Provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received two-thirds of all the legal votes cast upon such proposition.

MAINTAIN PUBLIC POUNDS.

15. To maintain, regulate and govern public pounds, and appoint poundkeepers, who shall be paid out of the fines imposed and collected of the owners of impounded animals, and from no other source. Pounds and fines.

EQUALIZE ASSESSMENTS.

16. To equalize assessments within their county, except assessments for municipal purposes. Equalization.

CONTROL SUITS.

17. To direct and control the prosecution and defense of all suits to which the county is a party, and when necessary, to employ counsel to assist the prosecuting attorney of the county in conducting the same. Suits.

INSURE BUILDINGS.

18. To insure the county buildings in the name and for the benefit of the county. Insurance.

FIX PRICE OF ADVERTISING, ETC.

19. The county court shall, after having advertised for bids for the same, fix the price at which the county shall be supplied with job printing, stationery and blank books, and also the price of all county advertising, and the county court of each county shall procure such supplies and advertising at a price no greater than is so fixed, and shall let the contract therefore to the lowest responsible bidder, and all bills thereof shall be certified to the county court. Advertising.

ADOPT A SEAL.

Seal. 20. To adopt a seal for their court; a description and impression thereof must be filed in the office of the clerk and of the secretary of the Territory.

ENFORCE RULES.

Rules. 21. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

ANNUAL REPORT.

Annual report. 22. The court shall cause to be published an annual statement of the financial condition of the county, showing in detail the receipts and expenditures authorized during the preceding year.

DESTRUCTION OF WILD ANIMALS, ETC.

Fruit trees, etc. 23. To provide for the destruction of wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vine or vegetables, or plant life.

ESTABLISH FUNDS.

Funds. 24. To establish such county funds as they may deem necessary for the proper transaction of the business of the county, and to pay therefrom the salaries or compensation of public officers, which the law contemplates or requires to be paid from the county treasury.

FILL VACANCIES.

Vacancies filled. 25. To fill by appointment all vacancies that may occur in any office filled by the appointment of the county court, and elective county, district or precinct offices; the appointee to hold office for the unexpired term.

TO PROVIDE FOR THE PRESERVATION OF PUBLIC HEALTH.

Public health. 26. To adopt such provisions for the preservation of the health of their respective counties,

or any district therein, or portion thereof, except municipal corporations, as they may deem necessary, and to provide for paying the expenses thereof; and when the expense is incurred in a district or portion of a county for the particular benefit thereof, the court may fix the boundaries of such district or portion, and levy a tax on the property therein to pay the same, the tax to be levied and collected in the same manner as other taxes are levied and collected.

COMMON CARRIERS.

27. To adopt such rules and regulations within their respective counties, as may be necessary to regulate or prohibit the leaving by any persons or common carrier, within the limits of their respective counties, of any indigent or insane persons or travelers, not residents thereof, or the bodies of persons who die while traveling, unless such common carrier shall undertake to be responsible for the proper burial of such bodies, or unless such deceased person was, at the time of his death, a resident of the county within which it is proposed to deliver his body. Also to regulate or prohibit the bringing into, or leaving within their respective counties, of persons afflicted with, or who have but recently been exposed to any contagious disease.

WORKING PRISONERS.

28. To provide for the working of prisoners confined in the county jail, under judgment of conviction of a misdemeanor, (when under such judgement of conviction or existing laws said prisoners are liable to labor) under the direction of some responsible person, upon the public grounds, roads, streets, alleys, highways, or public buildings, for the benefit of the county.

BURYING DEAD.

29. To provide for the burying of the indigent dead.

MAKE AND ENFORCE LOCAL REGULATIONS.

Local police
regulations.

30. To make and enforce within the limits of their respective counties, except within municipal corporations, all such local, police, sanitary and other regulations as are not in conflict with general laws.

ADOPT RULES.

Powder, etc.

31. To adopt such rules and regulations within their respective counties, except within municipal corporations, with regard to the keeping and storing of every kind of gun powder, hercules powder, giant powder, or other combustible material, as the safety and protection of the lives and property of individuals may require.

SHERIFF TO ATTEND MEETINGS.

Sheriff.

SEC. 20. The county court shall have power to direct the sheriff to attend, in person or by deputy, all meetings of the court, to preserve order, serve notices, subpoenas, citations, or other process, as directed by the court.

SUBPOENA FOR WITNESSES, BOOKS, ETC.

Witnesses.
Production of
books.

SEC. 21. Whenever the county court of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such court, or to examine any officer of the county in relation to the discharge of his official duties as to the receipt or disbursement by him of any moneys or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, accounts, vouchers, or document in the possession of such officer or other person, or under his control, or relating to the affairs or interests of the county, the probate judge shall issue a subpoena, in proper form, commanding such person or officer to appear before such court, at a time and place therein specified, to be examined as a witness, and such subpoena may contain a clause re-