

shall not apply to any incorporated city now existing in this Territory whose Common Council consists of a Mayor and Aldermen only.

Sec. 12. All of the provisions of an act of the Governor and Legislative Assembly of the Territory of Utah, relative to the incorporation, re-incorporation and government of cities, approved March 8, 1888, and numbered sections 1709 to 1818, with sections inclusive, of the Compiled Laws of Utah, 1888, which are in conflict with the provisions of this act, and all other acts or parts of acts in conflict with the provisions of this act, saving rights and privileges accrued, are hereby repealed.

Sec. 13. This act shall take effect from and after its passage and approval.

FRANKLIN S. RICHARDS,  
President of the Council.

JAMES SHARP,

Speaker of the House of Representatives.

Vetoed by the Governor.

### THE GOVERNOR'S PROPOSED SUBSTITUTE FOR C. F. 35.

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

Section 1. That the cities of this Territory now, or which may be hereafter, incorporated, are hereby divided into three classes, as follows:

1. Cities having twenty thousand or more inhabitants shall be of the first class.

2. Cities having less than twenty and more than five thousand inhabitants shall be of the second class.

3. Cities having less than five thousand inhabitants shall be of the third class.

Sec. 2. Cities of the first and second class shall be divided into five election precincts or wards. The precincts shall embrace compact and contiguous territory, and shall, as near as may be, be equal in population.

Sec. 3. In cities of the first, second and third class there shall be elected at large, a mayor, recorder, treasurer, assessor and collector and marshal. In cities of the first and second class there shall also be elected three councilmen and one justice of the peace by the qualified voters of the precinct or ward. In cities of the third class there shall also be elected seven councilmen and two justices of the peace at large.

Sec. 4. The officers referred to in Section 3 of this Act shall possess the qualifications, exercise the powers and perform the duties enumerated in the following Sections of the Compiled Laws of Utah, 1888: 1730 to 1760, both inclusive; 1762 to 1800, both inclusive; Sections 1718 to 1721, both inclusive; Sections 1803 to 1816, both inclusive, are hereby made applicable to said cities.

Sec. 4½. New cities may be incorporated as provided in sections 1709 to 1713, both inclusive, of the Compiled Laws of Utah, 1888.

Sec. 5. The municipal officers

shall be elected biennially, and such elections shall be held and conducted as provided by law, and voters shall possess the qualifications required by law.

Sec. 6. Nothing in the laws of this Territory shall be construed as authorizing or empowering any county court to create election precincts, or to provide for the election of precinct officers within the limits of any incorporated city in this Territory, and the election precincts or wards created by city councils shall become election precincts for Territorial and county purposes.

Sec. 7. The councils of cities of the first and second class are hereby authorized and empowered, after the passage of this act, to apportion their respective cities into five election precincts or wards.

Sec. 8. After the taking of the national census in June, 1890, the Governor of the Territory shall issue a proclamation designating the class to which the incorporated cities of this Territory may belong, as classified by section 1 of this act.

Sec. 9. The mayor of any incorporated city is hereby authorized and empowered to veto any act, resolution or ordinance of the city council, which veto shall only be overcome by a two-thirds vote of the members of the council.

Sec. 10. The City Council may, when it shall appear advantageous to the interests of the city to do so, cause to be taken a special census of the inhabitants of the city, and whenever it shall appear from the returns of any National, Territorial or special census that the number of inhabitants of any city will entitle said city to be advanced to a higher class, and the fact shall be made known to the Governor, a proclamation shall be issued by the Governor assigning said city to such higher class.

Sec. 11. Whenever, by proclamation of the Governor, any city shall be assigned to, or be advanced to a higher class, then said city shall be entitled to and shall exercise all the powers and privileges of said class, and at the next municipal election thereafter shall elect the officers of said class.

Sec. 12. The provisions of this Act, so far as they relate to cities of the third class, shall not be construed as requiring any of the cities of said class which now elect their aldermen or councilmen from wards, precincts or districts, to elect their aldermen or councilmen at large, nor shall it require an election for any office now filled by appointment in said city so divided into wards, or precincts.

Sec. 13. The provisions of this Act are hereby made applicable, supplemental and cumulative to the charters of all incorporated cities.

### FISH COMMISSIONER.

The late Legislature authorized the appointment of a Fish Commissioner, and appropriated \$5000 to be expended in this industry during the next two years. March 17 Governor Thomas had two petitions presented to him. One is as follows:

It is well known throughout Utah that Mr. A. M. Musser, of this city, has for years been actively engaged in advancing the fish multiplying interests of the Territory, and that through his indefatigable labors in this direction untold numbers of imported fishes have been added to our waters. From letters in his possession, which he has shown us, we learn that he has arranged for further large consignments of shad, speckled catfish, white-fish, croppies, rock bass, etc., for the public waters of Utah.

In view of the valuable services thus rendered the Territory, and in further view of the valuable experience Mr. Musser has gained in the propagation and multiplication of fish, we hereby respectfully request that his son, Don Carlos W. Musser, be appointed Fish and Game Commissioner of Utah, under the law just passed by the Legislative Assembly. Mr. A. M. Musser being, as it is understood, ineligible to hold the office in person, if his son, who is a Utah born young man, is appointed commissioner, the father can direct and superintend the industry, and give it the advantage of his valued and needful experience, an industry to which he is so much attached and upon which he has voluntarily bestowed so much patient thought and labor.

It is needless to suggest that it requires experience and skill to manage and to promote such an enterprise. Such is evidently the view taken by President Harrison, who permits Col. Marshall McDonald, a staunch democrat and an ex-colonel in the Southern army, to occupy the position of United States Fish Commissioner undisturbed as the successor of the late Spencer F. Baird.

This petition is signed by Joseph R. Walker, Mark McKimmins, C. R. Barratt, S. A. Merritt, S. H. Auerbach, Thomas J. Almy, Jas. Glendenning, W. S. McCornick, T. W. Ellerbeck, H. J. Grant, Frank W. Jennings, John H. Rumel, Jr., Elias A. Smith, John Sharp, Spencer Lawson, J. C. Cutler, W. H. Remington, J. K. Gillespie and 13 others.

The other petition reads:

The undersigned residents of Utah Territory respectfully petition that Daniel S. Brown, a resident of said Territory, be appointed Fish and Game Commissioner of Utah Territory. Mr. Brown has devoted many years of his life to fish culture, and is in every way fitted to discharge the duties of the office, in the judgment of petitioners.

To this paper are signed the names of John A. Marshall, George M. Scott, Caleb W. West, E. R. Clute, Louis Hyams, David Webb, O. W. Powers, J. M. Young, W. H. Dickson, W. C. Hall, H. S. Laney, H. W. Lawrence, C. L. Libby, G. S. Erb, H. M. Bacon, Theodore Burmaster, M. B. Sowles, S. C. Ewing, Samuel Paul and twenty-one others.

London, March 21.—In many parts of Switzerland villagers are retreating to the valleys, enormous avalanches being imminent.