

## THE LEGISLATURE.

## COUNCIL—FEB. 3.

At 2 p. m. the Council was called to order as the clock in the tower struck the hour of two and opened with roll call, prayer by the chaplain, and reading and adoption of the journal of the previous day.

Mr. Hammond, from the committee on judiciary, reported H. F. No. 26, a bill in relation to the estates of decedents, and offered a substitute therefor, which he recommended be put on its passage; adopted.

Mr. Barton, from the committee on municipal corporations and towns, reported back C. F. No. 24, a bill amending the city charter of Nephi City, in Juab County, and recommended that the amendments be adopted; carried.

Mr. Barton, from the committee on counties, reported back the bill apportioning the representation of the Legislative Assembly of the Territory of Utah, with six amendments, and recommended their adoption; report adopted and the bill placed on file for third reading.

A message from the House was received, announcing the adoption of the report of the board of directors, superintendent and treasurer of the Insane Asylum; also that the House had passed C. F. No. 19, amending section 18, chapter 45, of the session laws of 1884. The bill was referred to the committee on enrollment.

Mr. Francis introduced a bill to amend section 817, chapter 7, title ix, of the session laws of 1884, which was read the first time and referred to the committee on judiciary.

The substitute for H. F. No. 26, in relation to the estates of decedents, was read and placed of file for third reading.

C. F. No. 24, amending the charter of Nephi City in Juab County, was read the second time by its title, placed on file for third reading and ordered printed.

C. F. No. 28, a bill amending the charter of Moroni City in Sanpete County, was read by its title and passed.

C. F. No. 14, a bill apportioning the representatives of the Legislative Assembly of the Territory of Utah, was taken up on its third reading. The six amendments proposed by the committee on counties were read and adopted, after which the bill was read the third time, its title approved and the House notified.

Mr. Sharp, from the committee on conference, on the subject of the contingent expenses of the Assembly, reported progress, and asked further time; report accepted and further time granted.

Adjourned.

## HOUSE—FEB. 3.

The members of the House assembled at 2 p. m., a quorum being present. The roll was called, prayer offered and the minutes of previous day read, amended and approved.

Mr. Rider was excused from attendance for ten days, having been suddenly summoned by telegraph to return home, and the chair appointed Mr. Woolley to fill the vacancy thus occasioned on the committee for auditing the public accounts.

Mr. Woolley presented a petition from citizens of Salt Lake County, asking the repeal of the law requiring screens to be placed at the head of irrigating channels. Referred to the committee on agriculture and irrigation.

Mr. Hatch, from the committee on judiciary, made a report on H. F. 30, in relation to bail, for which he introduced a substitute. It will be seen on inspection that the substitute differs but slightly from the original offered by Mr. West a few days since; in fact, it is substantially the same document. It was read the first time and filed for further consideration.

Mr. King, from the committee on agriculture, reported back H. F. No. 11; filed to come up in its order.

Mr. Hatch, from the special committee appointed to wait on his excellency, the Governor, to confer on special matters, reported progress, and asked further time, which was granted to complete the labors of the committee in this matter; report accepted.

The substitute bill for H. F. Nos. 17 and 12, the special order of the day, was read the second time. It provides for the punishment of sexual crimes.

Mr. McLaughlin moved that the substitute, with the original bill, be re-committed, stating, among other things, as his reasons that the bill was inconsistent with itself, and that no provision is made in any of the laws of Utah punishing illicit carnal intercourse, as referred to in section 2 of the bill, substitute No. 12.

Mr. Thurman opposed the motion, and considered that some amendments should be made, or discussed before a motion to recommit should prevail.

Mr. Creer said he had seconded the motion, and on further thought he should vote to recommit the bill.

Mr. King opposed the motion.

After some further discussion the motion was lost.

The bill was then read by sections. After the first section was read Mr. McLaughlin moved to strike out the word "illicit" wherever it appeared in the bill.

The chair ruled that under rule of the House 27 the motion was out of order.

An appeal to the House was taken from this decision and prevailed. A very lengthy debate then ensued, in which Messrs. Thurman, King, Creer, Young and West participated, which resulted in Mr. McLaughlin withdrawing his motion.

Numerous amendments were offered by several members of the House, but few of them reached a vote. Among others that were presented Mr. West moved to amend section one by striking out the word "illicit" wherever it occurred in said section and inserting the words "who is not his wife" in the first line, and "who is not her husband" in the second line; so that it would read:

SEC. 1.—That every male person who shall have illicit carnal intercourse with any female person, and every female person who shall have illicit carnal intercourse with any male person except in cases punishable by the laws of the United States and those otherwise provided for by laws of the Territory of Utah, shall be deemed guilty of a misdemeanor.

This amendment was carried. Mr. West also offered the following amendment to section 2: That the words "not being married" be inserted between "who" and "shall" in the first line; "hereafter" between "shall" and "have" in the first and second line; and that the word "intermarry" in the second line be stricken out, and the words "have sexual intercourse" be inserted in lieu thereof. Thus making the section read:

SEC. 2.—All persons related or being within and including the third degree of consanguinity, who shall hereafter intermarry with each other shall be deemed guilty of incest, and on conviction thereof, shall be punishable by imprisonment in the Penitentiary not exceeding five years.

The gentleman also offered the following as an additional section:

SEC. 3.—All marriages hereafter contracted between persons related or being within and including the third degree of consanguinity are hereby declared incestuous and prohibited by law.

Any person violating the provisions of this section, shall, upon conviction thereof, be punished in the penitentiary not exceeding ten years.

Pending the consideration of these last named amendments which elicited a very long discussion, in which many of the members took part, Mr. Howell moved to postpone further consideration of the bill, and that it be made the special order for Thursday. The motion was carried.

A message from the Council informed the House that it had passed C. F. 14, in relation to apportionment; read and referred to the committee on counties.

Another message informed the House that the Council had passed C. F. 28, in relation to an act incorporating the City of Moroni; read by its title and referred to the committee on incorporations.

Substitute for H. F. 130 was read the second time. The rules were then suspended and the bill read the third time, amended, and, on motion of Mr. Thurman, passed by a unanimous vote. The title was amended by adding the words "Title Nine" after chapter 1.

The bill for amending section 10, chapter 6, laws of 1884, was read the second time. It refers to fish and game. The amendment repeals the section. The bill was then referred to the committee on fish and game.

Council Bill 14 was referred to the committee on elections instead of counties. A communication was read from John M. Zane in relation to fines collected in the Third District Court, etc. The writer said he could not say whether any grand jurors competent to act upon Territorial business have been discharged because they were considered incompetent to act as jurors in United States cases, from the fact that he, Mr. Zane, could not see how a person could be competent to act upon the one who was not qualified to act upon the other business. The document was ordered spread on the minutes of the House.

A letter was read from Hon. J. W. Bucklin, of the Colorado Legislature, and J. R. Elliott, president of the Grand Junction Board of Trade. Mr. Bucklin said he had received an appropriation to build a bridge over the Grande river. He thought that if the Legislature of this Territory would build a bridge over Green river, it would greatly increase the wagon traffic between Utah and Colorado; referred to the committee on highways.

Mr. Cannon sent to the Speaker's desk a communication from Prof. H. C. White, the deaf mute instructor, which was read. The mute stated that he had been in consultation with Mr. Burton, architect, in relation to the cost of building the institute for the instruction of deaf mutes; and he had learned that \$25,000 instead of \$12,000, would be required for that purpose, making a total of \$38,000 required. The letter was referred to the committee on education.

This closed the business for the day and a little before 5 o'clock the House adjourned till 2 p. m. Thursday.

## COUNCIL—FEB. 4.

The Council met at 2 p. m. and after the usual ceremonies, the journal of Wednesday was read and approved.

Mr. Barton presented a petition from the Star printing company asking for an appropriation of the sum of \$82.50 for printing open bills for the session of 1884; referred to the committee on claims and public accounts.

Mr. Grover presented a petition from W. A. C. Bryan, asking that the sum of \$18 be allowed for clerical services in the year 1884; referred to the committee on claims and public accounts.

Mr. Hammond, from the committee on enrollment, reported C. F. No. 6, amending Section 6, Chapter 25, laws of 1884, as correctly enrolled. Signed by the President and Speaker and sent to the Governor.

Mr. Grover, from the committee on

municipal corporations and towns, reported back C. F. No. 17, amending Section 56, Chapter 34, session laws of 1884; also, C. F. No. 24, incorporating Nephi City, and recommended that they be put upon their passage.

A message from the House announcing the passage by that body of a substitute for H. F. No. 30, regulating the mode of procedure in criminal cases, was read the first time and referred to the committee on judiciary.

The following bills were reported: By Mr. Page—C. F. No. 31, amending Sections 2 and 3, Chapter 31, session laws of 1884, relating to the duties of the Territorial Sealer of Weights and Measures, and for other purposes; read by its title and referred to the committee on manufacture and commerce.

By Mr. Grover—C. F. 32, a bill to prevent the fouling of water used for domestic purposes, the obstruction of highways with offensive matter, and cruelty to animals; also to regulate and maintain barb wire fences; read the first time and referred to the committee on judiciary.

C. F. No. 27 amending the charter of Morgan City, Morgan County, was read the second time, ordered printed and placed on file for third reading.

C. F. No. 17, amending sec. 56, chap. 54, session laws of 1884, was read the second time, placed on file for third reading and ordered printed.

The bill incorporating Nephi City, Juab County, was read the third time by sections, and when section 11 was reached, the bill was referred back to the committee on municipal corporations and towns.

The substitute for H. F. No. 26, relating to the estates of decedents, was read the third time and passed, and the House so notified.

Adjourned.

## HOUSE—FEB. 4.

The House again assembled at 2 p. m. to-day, and was called to order and opened in the usual manner. A quorum was present, and after disposing of yesterday's minutes proceeded to business.

Mr. Baty presented a petition from the County Court of Box Elder County asking assistance in the sum of \$5,000, to build a road in that county; referred to committee on highways.

A communication from the auditor of public accounts inclosing an account from Sheeks and Rawlins asking compensation for legal service in collecting taxes due the Territory, was received and referred to the committee on claims and public accounts.

Another from the same person, in relation to the financial statement of Kane county, was referred to the committee on counties.

Mr. Howell, from the committee on highways, reported in reference to the petition from Sanpete County, recommending that \$500 be appropriated to help build a road in that county; adopted and referred to the committee on appropriations.

Mr. Stratford, from the committee on ways and means, reported in relation to C. F. 13, recommending sundry amendments, and that, as amended it be put upon its passage. The amendments were adopted and the bill was filed for a second reading.

Mr. Thurber reported the action of the committee on fish and game on the petition of citizens of Weber County in relation to the protection of quails, and recommended that it be not granted; adopted.

The petition, among other things, asked that an act be passed to make it unlawful for any person to kill more than 15 of these birds in one day.

Mr. Hatch, from the judiciary reported H. F. 25, and recommended that it be rejected. The bill was then read for information. It relates to appeals from justices courts to district courts. The recommendation to reject it was adopted.

Mr. Kimball presented a report from the committee on live stock in relation to bulls running at large at certain seasons of the year, and recommended that two sections be added to the bill; adopted and ordered to be printed.

Mr. Cannon presented a bill amending Section 698 of the compiled laws of Utah, which was read once and referred to the committee on education. This bill provides that \$10,000 be annually appropriated to the Deseret University on condition that 50 normal pupils receive free tuition each year.

The sexual crimes bill, the special order of the day was again the subject of consideration this afternoon.

Mr. West renewed the amendments he offered yesterday, which were debated at some length, when Mr. King offered amendments striking out Sec. 2, and providing another Sec. 3. After speeches from several members the bill was again recommended to the judiciary with all the amendments offered for further consideration.

C. F. 13, which provides for a Territorial board to equalize assessments for Territorial taxes, was read a second time, together with a number of amendments offered by the committee on ways and means; the chairman stating the reasons for the proposed amendments, which change the time of the meeting of the board from April to September, all of which were carried and the bill filed for third reading.

Mr. Thurman presented a petition from Hon. John T. Caine and others asking an appropriation to aid the Orphans' Home, of Salt Lake City, which was read and referred to the committee on claims and public accounts.

A substitute by the Council for H. F. 26 in relation to the estates of decedents was read but not concurred in,

and the Council was accordingly notified.

A letter was read from B. Bachman, clerk of First District Court, in relation to fines collected, etc. Ordered spread on the minutes and forwarded to the Council for its information.

A similar communication was received and read from the clerk of the clerk of the Second District Court, J. R. Wilkins, and was similarly disposed of.

Mr. Hatch was excused from attendance till Monday next.

The House then adjourned till Friday at 2 p. m.

## COUNCIL—FEB. 5.

The Council met at 2 p. m., and after the usual opening exercises the journal of Thursday was read and approved.

Mr. Heyborne presented a petition from W. C. McGregor and 238 other citizens of Iron County, asking that the sum of \$2,000 or such other sum as the Assembly shall deem proper, be appropriated to aid said citizens in sinking an artesian well. The petitioners represented that there were 80,000 acres of land suitable of cultivation, but on account of the lack of water for irrigating purposes, they were now only cultivating about ten thousand acres; referred to the committee on irrigation.

Mr. Sharp, from the committee on ways and means, to whom was referred C. F. No. 29, a bill to provide revenue for the Territory of Utah and the several counties thereof, reported the same back with several amendments, which they recommended the adoption of; report adopted, amendments read, the bill placed on file for second reading and ordered printed.

Mr. Tuttle, from the committee on manufactures and commerce, reported back C. F. No. 31, an act relating to the duties of Territorial Sealer of Weights and Measures, and recommended that the same be put upon its passage; report adopted.

Mr. Grover, from the committee on judiciary, reported back H. F. No. 30, a bill amending Sec. 388, Chapter 1, Title IX, laws of 1878, regulating the mode of procedure in criminal cases, with amendments, recommended that they be adopted, and that the bill be put upon its passage; report adopted and the bill placed on file for second reading.

Mr. Francis, from the committee on claims and public accounts, reported on the petition of W. A. C. Bryan for four and one-half days' clerical services, found the same to be correct and recommended that the sum of \$18 be allowed and placed in the general appropriation bill; adopted.

A message from the House was read, announcing the non-concurrence of that body in the Council's amendments to H. F. No. 26.

On motion of Mr. Sharp, the Council adhered to its substitute.

Mr. Shurtliff, from the committee on public health, reported back C. F. No. 16, a bill regulating the practice and selling of medicine, and recommended that it be put on its passage; placed on file for second reading and ordered printed.

A communication from the House was read, accompanied with letters from the clerks of the District Courts, furnishing certain information asked for by the Legislature; ordered that the communication and letters be placed in the minutes.

Mr. Sharp introduced C. F. No. 33, A bill amending sec. 1, chap. 19, session laws of 1884, in relation to limited partnerships; read and referred to the committee on judiciary.

Substitute for H. F. No. 30, a bill amending sec. 388, chap. 1, title IX, of session laws of 1878, in relation to the mode of procedure in criminal cases, was read the second time, and, under suspension of the rules, was read the third time and passed.

C. F. No. 17, A bill amending sec. 56, chap. 54, session laws of 1884, was made the special order for Tuesday next.

C. F. No. 27, an act amending the charter of Morgan City, in Morgan County, was made the special order for Monday.

Adjourned till Monday at 2 p. m.

## HOUSE—FEB. 5.

The House was again called to order by the presiding officer at two o'clock this afternoon. With the exception of the members who are excused there was a full attendance. The usual preliminaries preceded the general business, which was opened by excusing Mr. Young from attendance to-day.

Mr. Farnsworth presented a petition from the County Court of Beaver County, asking to be reimbursed to the amount of \$1,062.49, expended in criminal business; read and referred to the committee on claims and public accounts.

Mr. Thurber reported H. F. No. 11, and C. F. No. 10, in relation to fish and game. The report recommended that the House bill be rejected and that the Council bill be amended by striking out the word "take" in the fourth line of section (1), and adding the following:

"Sec. 4. That section 10 of chap. 6, Session Laws of 1884, is hereby repealed." After some discussion the bills were referred back to the fish and game committee for further consideration.

Mr. Lund, from the committee on manufacture and commerce, reported back the bill in relation to assignments, with amendments, and recommended that it be put upon its passage; also, a report from the committee on penitentiary and reform schools, recom-

mending that section 3 of the "Reform School" bill be amended and put on its passage; adopted.

Mr. Klug, from the committee on agriculture and irrigation, reported back the bill providing for encouragement of the growing of timber, with amendments; received and filed for second reading.

Mr. Thurman, from the committee on claims and public accounts, reported favorably on the claims of Messrs. Wilkins, Clayton, Jack and Zera Snow, recommended that they be allowed in full, and that the claim of B. Bachman be allowed with certain reductions; adopted.

Mr. Kimball, from the committee on live stock, reported that the provisions of H. F. No. 7 are embodied in H. F. No. 29, and recommended that the substitute with a section added by the committee be put upon its passage; adopted and ordered printed.

Mr. Howell reported favorably upon the petition from citizens of Sanpete County asking help to build a road to San Juan.

A message from the Council announced its non-concurrence in H. F. No. 26, in relation to the laws of 1884, and a conference committee was appointed, consisting of Messrs. Stratford and Cannon, to adjust the matter.

Mr. King presented a bill in relation to bulls running at large, which was read the first time and referred to the committee on live stock.

Mr. Smoot presented a bill in relation to appropriations for deficiencies of the Insane Asylum, which was read and referred to the committee on asylum for insane.

H. F. 33, An act to restrain bulls from running at large in Rich County, at certain seasons, next came up for its second reading. Read by sections, amended and referred back to the committee on live stock.

A message from the Council notified the House that it had passed the bill H. F. 30 in relation to criminal procedure, in an amended form; the House concurred, as the amendments were but slight.

H. F. 22, providing for assignment of insolvent debtors, was read the second time, amended, and made the special order for Monday.

A communication was received from the Governor in relation to the joint bill, which he had vetoed. Ordered spread on the minutes and sent to the Council.

The House bill for the encouragement of the growth of timber was read the second time, amended, and passed to the third reading.

The substitute for H. F. 24, to prevent the spread of malignant disease among sheep, was read by its title and ordered printed.

The substitute for Council bill 10, on fish and game, was read the second time, amended and finally recommended.

C. F. No. 13, relating to the Territorial board of equalization, was made special order for the 10th inst.

Mr. Creer presented the following resolution, which was unanimously adopted:

In consequence of the disapproval of the Governor of H. F. No. 9, relating to jurors, I move that the committee on judiciary be instructed to draft, at an early date as possible, a new bill embodying the subject matter of said H. F. No. 9, but making it applicable to Territorial cases only.

Adjourned till 2 p. m. Monday.

## BY TELEGRAPH.

FOR WESTERN UNION TELEGRAPH LINE.

## AMERICAN.

SAN FRANCISCO, 4.—A Tucson, Arizona, dispatch says: With reference to the recent killing of Captain Crawford by the Mexican troops the *Star* says: "It can be shown to the satisfaction of any Congressional Committee that trade has been constantly kept up by the Mexicans with the hostile Apaches, while every obstacle has been put in the path of the American commands sent into Mexico in pursuit of the renegades. Whenever possible the officers were arrested and thrown into prison. Among these were Lieutenant McDonald, Fourth Cavalry, and Lieutenant Elliott, Tenth Cavalry. They were kept under guard until the approach of large forces of American troops frightened the Mexicans into liberating them. From the most reliable information there is not the least doubt that the murder of Captain Crawford was premeditated.

An El Paso, Texas, dispatch says: The report of the commanding officer of the Mexicans who attacked Crawford's command has been published in the *Estado de Chihuahua* newspaper, which reached here to-day. It states that on the 11th instant the Mexican commandant a great number of tame and wild Indians, probably over 200, being led by foreign (United States) officers and over twenty soldiers. Four Mexicans are reported killed and 100 wounded. The report also states: "They displayed not a sign of legality as was evinced as much by their strategy as by the animals which they had and which I hold to prove they were stolen." The report is dated from Dolores mining camp, January 20th, and is signed, Santa Anna Perez. It believed the animals referred to in the report are those captured from the Indians which the latter had probably stolen.

Washington, 4.—It is believed at the War department that the killing of Captain Crawford by the Mexican troops was the result of an accident.