

## LEGISLATURE.

## COUNCIL.

Thursday, March 13.

Council resumed session at 2 p. m., President Cluff in the chair.

The chief clerk read a message from the Governor, enclosing C. F. No. 19 unapproved, with an accompanying substitute therefor. Received, and substitute taken up.

The substitute for C. F. 19, regulating the herding and keeping of sheep, was read the first time, and referred to the committee on health.

Mr. Hammond, for the committee on enrollment, reported C. F. 76, changing the names of certain persons; C. F. 71, authorizing county courts to grant licenses; and C. F. 16, amending chapter 29 of the laws of 1880, as having been enrolled and forwarded for approval.

C. F. 48, civil code, called up by Mr. Barton, was on motion, laid over as unfinished business.

Mr. Grover called up H. F. No. 85, general appropriation bill, for amendment. Several items were added, and the measure passed.

The Chief Clerk read a communication from the House advising the Council of the passage of H. F. No. 86; also of the concurrence of the House in Council amendments to H. F. No. 85, general appropriation bill. Received, and bill considered.

H. F. No. 86, revising proceedings in justices courts and providing for appeals to district courts in criminal cases, was read the first and second times by title, read the third time by sections, amended, and passed.

A communication was read from the House signifying the passage of H. F. 87, 88 and 89. Received and bills tabled to be further dealt with.

The Chief Clerk read a message from the Governor enclosing C. F. 57, unapproved, and suggesting certain amendments. Received, and bill proceeded with.

C. F. 57, amending section 9, chapter 21, of the laws of 1880, and section 19, chapter 8, of the laws of 1878, amended, was next taken up. The amendments were considered, concurred in, and the bill passed.

A further message was read from the Governor returning C. F. 67, in relation to decedents, unapproved. Received.

The chief clerk read a communication from the House notifying their concurrence in amendments to C. F. No. 57, adopted by the Council. Received.

A communication was read from the House advising the Council of the passage of H. F. 90. Received and bill proceeded with.

H. F. 90, a bill changing the boundary lines of Utah and Wasatch counties, was taken up on its first reading. Read the first and second times by title, and referred to the committee on counties.

H. F. 89, apportioning the representation of the Territory of Utah was next taken up on its first reading. The bill was read twice by title, and the rules having been suspended, was read by sections and passed.

The chief clerk read a message from the Governor signifying his approval of C. F. 73, regulating the mode of procedure in criminal cases; C. F. 75, relating to proceedings against fugitives from justice; C. F. 51, relating to telephone companies; C. F. 77, amending the charter of Ogden City; C. F. 58, amending sections 495 and 648 of the Compiled Laws of Utah; C. F. 68, amending an act incorporating Logan City; C. F. 63, relating to fire insurance companies; and C. F. 76, changing the names of certain persons. Received.

H. F. 87, a bill for the protection of stock-growers, was read twice by title, the third time by sections, and passed.

H. F. 88, providing for the adoption of children, was read the first and second times by title, the third time by sections, and passed.

The chief clerk read a communication from the House referring to a message received from the Governor, signifying his approval of H. F. 1, for filling a vacancy in the office of delegate to Congress for Utah Territory; H. F. 57, incorporating Wellsville City; H. F. 41, for the formation of and granting powers to private corporations; H. F. 84, abolishing the office of Territorial Surveyor-General; H. F. 83, compilation of irrigation laws; H. F. 73, amending an act incorporating Provo City; H. F. 62, providing for the support of poor persons; H. F. 76, amending an act changing the boundaries of Kane, Iron, and Washington Counties and creating Garfield county; and H. F. 49, amending an act incorporating Fillmore City. Received.

Mr. Barton, for the committee on counties, reported H. F. 90 with one amendment, recommending its passage. Received, and consideration of bill proceeded with.

H. F. 90, changing the boundaries of Utah and Wasatch counties, amended, was taken up on the third reading. The amendment was concurred in, and the bill read by sections and passed.

C. F. 67, on the estates of decedents, was taken up for consideration of the Governor's suggestions thereon. The amendments were concurred in, and the bill passed.

The chief clerk read a communication from the House noting the reception of a message from the Governor enclosing H. F. 60, amended. The suggestions had been adopted by the House, and the measure was forwarded for the action of the Council thereon. Received and bill proceeded with.

H. F. 60, revising the mode of civil procedure, was taken up for consideration of amendments. The amendments were taken up *seriatim*, debated, concurred in, and the bill passed.

A communication was read from the House notifying concurrence in C. F. 67. The Council was also advised of the passage of H. F. 91. Received, and bill taken into consideration.

H. F. 91, to encourage the manufacture of iron, glass, fine crockeryware, and sugar, was read twice by its title, under suspension of the rules; read again by sections and passed.

Minutes of previous session were read and approved.

Mr. Tuttle presented a resolution from the joint committee on library, C. R. 11, that, the Council concurring. Messrs. H. J. Richards, John Clark and D. C. Young are appointed a committee to act with the Territorial Librarian to examine and dispose of some six tons of books supposed to be worthless, and after paying the expenses of sale of same to invest the proceeds in suitable books for the library. Adopted.

Mr. Hammond, for the committee on enrollment, reported C. F. 58, amending Sections 495 and 648 of the Compiled Laws of Utah; and C. F. 75, relating to proceedings against fugitives from justice, enrolled and forwarded for approval.

H. J. Richards presented a report from the committee on public health, in reference to the Governor's substitute for C. F. 19, to regulate the herding and keeping of sheep. The committee reported the same back without recommendation, considering that there is not time to give the subject proper attention this session. Received and recommendation adopted.

The chief clerk read a communication from the House, signifying concurrence in C. J. R. 11, in reference to the examination and disposal of certain books. The House also advised the Council of the adoption of a Memorial to Congress, praying for an appropriation of \$1,000,000 for the purpose of erecting public buildings in Utah Territory. The Council were also notified of the reception of a message from the Governor in regard to H. F. 86, amended. Received, and bill proceeded with.

H. F. 86, revising the proceedings of justices courts and providing for appeals to district courts in criminal cases, was next considered. The amendments were concurred in and the bill passed.

The House memorial to Congress was next taken up. The memorial asks for \$1,000,000 for erection of public buildings in Utah, etc. The measure was read the first and second times by title, but on being put to the vote was lost.

Mr. Taylor, for the special joint committee, reported a memorial to Congress, in pursuance of a former resolution that a memorial be drafted setting forth the true condition of affairs in Utah, and asking that an investigation be made before further legislation be enacted in regard to this Territory. Accepted, and memorial adopted. Three copies of the memorial were ordered to be enrolled to be signed by the President of the Council and the Speaker of the House, and forwarded to our Delegate to Congress, one copy for the President and one for each branch of the National Legislature.

A communication was read from the House advising the Council of the reception of a message from the Governor returning H. F. 85, amended. The House had adopted the same and forwarded it for the action of the Council thereon. Received and bill proceeded with.

H. F. 85, making general appropriations, was considered and amended. The amendments were concurred in and the bill passed.

Mr. Woolley presented a report from the committee on elections, referring to C. F. 33, an act prescribing qualifications for electors, office-holders, etc., rejected by the Governor. The committee had carefully compared the communication of the Governor of March 10th, with the act, and could trace no intimation in the message of a desire or willingness on his part to co-operate with the Legislature in an earnest effort to agree upon some measure that would meet the requirements, whatever they may be, made by the Edmunds Law. They also recommended a new bill, considering the objections of his Excellency to hold not only against the new matter introduced into the bill, but also against portions extracted from existing Statutes which in their action have given general satisfaction. Received, and the rejected bill ordered to be placed upon the minutes.

The chief clerk read a communication from the House signifying concurrence in C. M. 1, to memorialize Congress. Also, that the House had received a message from the Governor returning H. F. 81, amended, which the House had adopted. Received and bill proceeded with.

H. F. 81, in relation to mortgages on personal property, amended by the Governor, was taken up for consideration. The amendments were concurred in and the bill passed.

The chief clerk read a communication from the Governor, referring to the following measures as approved: C. F. 41, an act amending an act to incorporate the city of Payson; C. F. 64, an act amending an ordinance to incorporate the city of Manti; C. F. 65, an act amending an act incorporating Mount Pleasant City in Sanpete County; C. F. 57, an act amending section 9 of chapter 21, of the laws of Utah, 1880, and section 19, of chapter 8 of the laws of 1878; and C. F. 71, an act authorizing county courts to grant licenses. Received.

A communication was read from the House notifying of the Governor's approval of H. J. R. 1, H. F. 90, H. F. 74, and H. F. 86. The House also returned H. F. 60, amended. Received and bill taken up for consideration.

H. F. 60, revising the code of civil procedure of Utah Territory, amended, was considered. The amendments were concurred in, and the bill passed.

The Chief Clerk read a communication from the House announcing the receipt from the Governor of H. F. 85, general appropriation bill, amended. The House had postponed further consideration of said bill until a joint executive session of both branches of the Legislature could be held. Received.

On motion, Council adjourned for joint executive session.

On resuming, after half an hour's recess,

The chief clerk read a communication from the House, advising the Council of the passage of H. F. 85, making general appropriation, after amendment by striking out item 10, a grant of \$50,000 to the University of Deseret, as per recommendation of the Governor. The measure was now forwarded for the action of the Council.

The amendment was concurred in and the bill passed.

At 5.40 p. m. the Council took an informal recess.

On resuming, Mr. Grover, in behalf of the Council, presented an address to President Cluff, and presented him with a field-glass, as a token of esteem and appreciation.

President Cluff made a suitable response.

We have not space to publish the speeches to-day. They will probably appear in our issue of Monday.

The chief clerk read a communication from the House to the effect that the Speaker had, on motion, appointed a committee to join a like committee from the Council to wait on the Governor and ascertain if he had any further communications to make to the present Assembly. This was concurred in, with the addition, on motion, that His Excellency should be informed that the table of the Council is clear. The Chair appointed Messrs. Barton and Woolley the committee on behalf of the Council.

A communication from the House was next read, notifying the Council that the Executive had endorsed H. F. 77, amending an act to incorporate Salt Lake City, and H. F. 88, relating to the adoption of children. Received.

Mr. H. J. Richards moved that the thanks of the Council be accorded to the officers for the efficient manner in which they had rendered their services during the session. Carried.

Parting speeches were made by several members, for which we cannot find room to-day.

A communication from the House was read informing the Council that the table was clear, and that the House had adjourned. Received.

It was moved and adopted that the committee appointed to wait upon His Excellency the Governor should also express the kindly sentiments of the Council towards him.

On motion, the Council adjourned *sine die*.

## HOUSE.

Called to order at 2 p. m.

A message was received from the Governor giving notice of his approval of H. F. 4, authorizing limited partnership, H. F. 53, amending city charter of Spanish Fork, H. F. 64, granting Lehi City certain powers; H. F. 65, granting American Fork City certain powers.

Also a message returning H. F. 60, relative to civil procedure, with amendments. Referred to the committee on judiciary.

A communication was received from the Council giving notice of the adoption of H. R., relative to redemption of warrants by the auditor.

Mr. Cummings, for the committee on Judiciary, to whom was referred H. F. 86, relative to criminal proceedings, recommended that it be put upon its passage. Read third time.

A message was received from the Governor returning H. F. 80, amending section 1, chapter 13, laws of 1880, disapproved.

Also returning H. F. 70, regulating the operating of smelters, disapproved.

A message was received from the Council giving notice of the concurrence to amendments to appropriation bill.

The committee on ways and means, to whom was referred H. F. 8, recommended the postponement of the same indefinitely. Adopted.

Mr. Houston, by permission, introduced H. F. 87, in relation to stock raisers. Read first and second times, and under a suspension of the rules was read third time and passed; ayes 18, nays 3.

The committee on judiciary reported that H. F. 19 having been mislaid, asked leave to introduce a substitute, H. F. 88, providing for the adoption of children, was read the first and second times, and under a suspension of the rules, read third time and passed.

Mr. Howell, by permission, introduced H. F. 88, apportioning the legislative representative. Read first and second times and under the suspension of the rules, read the third time by title and passed. Ayes 15, nays 5.

A communication was received from the Council, giving notice of the passage of C. F. 57, chapter 21 of the laws of 1880.

Mr. Houston, by permission, introduced H. F. 90, changing boundary line between Utah and Wasatch counties.

Rules suspended and H. F. 90 was read the second and third times and passed unanimously.

A communication was received from the Governor, giving notice of his approval of H. F. filling a vacancy, H. F. 57, amending Wellsville charter, H. F. 41, private corporations; H. F. 84, repealing law concerning surveyor general; H. F. 83, in relation to irrigation; H. F. 73, amending charter of Provo City; H. F. 62, concerning paupers; H. F. 76, boundary line of Kane, Iron and Washington Counties, and H. F. 49, amending Fillmore City charter.

A message was received from the Council giving notice of the passage of H. F. 86, relative to proceedings in justices' courts.

Mr. Thadman, for the committee on judiciary, to whom was referred H. F. 60, relative to civil procedure, as amended by the Governor, recommended that the amendment be concurred in. Adopted.

A message was received from the Council giving notice of the Governor's approval of Council Files 73, 75, 51, 71, 58, 68, 63 and 76. Also giving notice of the passage of H. F. 89, in relation to the apportionment bill. Also giving notice of the passage of H. F. 87, relative to stock growers; also H. F. 88, adopting children.

A communication was received from the Governor, giving notice of his disapproval of H. F. 86, in relation to proceedings in justices courts, and recommending amendments thereto. Amendments concurred in and bill passed as amended.

A message was received from the Governor returning H. F. 85, appropriation bill, with amendments, stating that when such amendments are concurred in by the legislative assembly, he would be pleased to approve the bill as amended. The communication was referred to the committee on appropriation.

The committee on appropriation to whom was referred H. F. 85, appropriation bill, recommended that the amendments of the Governor be concurred in. Adopted, and the bill passed as amended.

In a few appropriate remarks Mr. Dusenberry, in behalf of the members of the House, presented to Speaker Sharp as a token of their esteem, a beautiful ebony gavel, mounted with gold and silver and with the following inscription on a gold shield: "Presented to Hon. James Sharp, Speaker, by the members and Officers of the House of Representatives, Legislative Assembly of the Territory of Utah, Twenty-sixth Session, 1884."

Speaker Sharp, in acknowledging the token of respect and appreciation, expressed himself as honored, and said that in attempting to discharge the duties of Speaker of this House, he had used every endeavor to properly discharge them. He humorously remarked that the gavel presented to him by the sergeant-at-arms at the beginning of the session had not been battered by calling members to order, neither had it been broken by being thrown at the devoted heads of the representatives. Words he said were inadequate to express his gratitude to the members for their kind indulgence and for the beautiful gift which he would file in the archives of his private home, and it would be held in sacred remembrance of the members of the twenty-sixth session of the House of Representatives.

A message was received from the Council, giving notice of their concurrence in amendments to H. F. 85, appropriation bill. Also one giving notice of the rejection of the memorial asking Congress to appropriate \$1,000,000 for the erection of public buildings. Also giving notice of the adoption of the memorial to Congress setting forth the political affairs of Utah, etc.

A message was received from the Governor returning, with amendments, H. F. 81, relative to mortgages on personal property. Amendments concurred in, and the bill passed as amended.

The special joint select committee, to whom was referred that part of H. F. 9 which refers to education, reported the same back without recommendation.

A message was received from the Council giving notice of concurrence in amendments suggested by the Governor to H. F. 81.

A communication was received from the Governor giving notice of his approval of House joint resolution relating to redemption of Territorial warrants; H. F. 90, boundary line of Wasatch and Utah Counties; H. F. 74, relative to incorporated towns of over 300 inhabitants; H. F. 86, proceedings in justices' courts, and returns H. F. 60, civil procedure bill, with amendments. House concurred in amendments and bill passed as amended.

Mr. Boyden, for the special committee on civil code, to whom was referred H. F. 9, reported the same back as unfinished business.

A message was received from the

Governor returning the appropriation bill, and recommending that the Deseret University be organized under the provisions of the Revised Statutes of the United States of 1857, making it a non-sectarian institution in fact. Referred to the committee on agriculture.

Mr. Morgan, by permission, introduced H. F. 91, encouraging the manufacture of iron, glass and sugar, exempting such manufacturing plants from taxation until 1890. Rules suspended and bill passed.

A Council resolution was read, appointing H. J. Richards, John Clark and D. C. Young to dispose of about six tons of old books belonging to the Territorial Library, and after paying expenses, invest the balance in new books. Adopted.

A communication was received from the Governor giving notice of his approval of H. F. 60, relating to civil procedure.

A message was received from the Council which gave notice of the Governor's disapproval of C. F. 89, amending certain sections of the Compiled Laws of Utah.

A message from the Governor was received which gave notice of his approval of H. F. 81, relative to mortgages of personal property.

Mr. Dusenberry, for the special committee, to whom was referred H. F. 8, appropriation bill, reported that said committee had been unable to decide as to the matter of the Organic Act of 1857, in relation to the appropriation to University of Deseret, and returned the bill without recommendation.

Mr. Dusenberry moved that the Council be requested to meet with the House in executive session. Carried, and the Council duly notified.

The House and Council proceeded to hold executive session.

Mr. Dusenberry moved that item 10 of H. F. 85, appropriation bill, in relation to the \$50,000 appropriated to the University of Deseret be stricken out. Ayes 13, nays 9.

Bill as amended passed, ayes 18, nays 3.

6.45—Message received from the Governor giving notice of his approval of the general appropriation bill.

Also from same suggesting amendments to H. F. 88, providing for adoption of children, amended and passed.

Message from the Governor read returning H. F. 77, amending charter of Salt Lake City, enclosing amendments for the same, which were concurred in and passed.

Mr. Dusenberry moved that a committee of two from the House to act with a like committee from the Council wait on His Excellency and inquire if he has any communication to make.

Messrs Dusenberry and Hatch were appointed to act for the House.

A message from the Governor, giving notice of his approval of H. F. 77, amending the charter of Salt Lake City; also H. F. 88, relative to the adoption of children.

At 8:15 o'clock the committee to wait on the Governor returned, and reported that the Governor had no further communication to make.

The Speaker announced the table cleared.

Mr. Cummings took the chair.

Mr. Thurman offered a resolution voting thanks to His Excellency the Governor, and Secretary Thomas, for the courtesies which they have extended to the House. Adopted.

Mr. Boyden offered a resolution of thanks to Speaker Sharp, Clerks Wells and West, and other officers. Adopted.

Speaker Sharp returned thanks in a speech overflowing with kind feelings. Adjourned at 8:35 p. m.

## LEGISLATIVE BUSINESS.

List of measures introduced and disposed of in the session of the Assembly of 1884:

## COUNCIL FILE.

- 1.—To amend the charter of Kaysville City, in Davis County. Approved.
- 2.—To amend Chapter xxxiii of the laws of Utah of 1878, relating to fish and game. Substituted by No. 12.
- 3.—Extending the powers of corporations, organized for commercial, manufacturing and stockraising purposes. Substituted.
- 4.—A bill for an act making the county treasurers sub-Territorial treasurers. Rejected.
- 5.—A Bill for an act amending Section 576 of the Compiled Laws of Utah. Approved.
- 6.—To change the name of John Conrad Naile, etc. General bill. Approved.
- 7.—To amend Section 2 of Chapter xxviii of Laws of Utah, 1882. Approved.
- 8.—To amend an Act incorporating Richmond City, in Cache County, approved February 6, 1868. Approved.
- 9.—To amend an act to provide revenue for the Territory of Utah and the several counties thereof, approved February 22, 1878. Rejected.
- 10.—To amend Section 1 of Chapter xiii, Laws of Utah. Approved.
- 11.—To restrain the running at large of sheep in certain cases. Substituted by No. 19.
- 12.—For the protection of game and fish. Approved.
- 13.—For the preservation of domestic animals. Rejected.
- 14.—For an act in relation to chattel mortgages. Passed.