

UTAH LEGISLATURE.

COUNCIL.

Monday, February 16, 1880.

3 p.m.

(C. F. No. 37), "To encourage the manufacture of sugar in the Territory of Utah," passed its first reading.

Councilor Caine presented a petition from Mary Ellen Layton, asking for change of surname of self and daughter to "Naylor," with an accompanying bill, (C. F. No. 38), "To change the name of persons herein named," and asking that the bill be placed upon its passage. The petition and bill were read, and the bill passed its first reading.

A communication was received from the clerk of the House, announcing the passage of (H. F. No. 67), "Amending sections 2108 and 2115 of the Compiled Laws of Utah," "Amending Compiled Laws, defining grand larceny, etc." Read the first time.

C. F. No. 38, "To change the names of persons herein named," was taken up, amended, and passed its third reading.

The title was then read and amended to read, "A bill to change the names of the persons therein named," and the title being approved, the bill passed.

H. F. No. 67, "Amending Compiled Laws defining grand larceny," was then referred to the committee on judiciary.

C. F. No. 37, "To encourage the manufacture of sugar in the Territory of Utah," was amended and the bill passed.

A communication from the House announced the passage of C. F. No. 13, "Authorizing certain counties to subscribe to the capital stock of the Utah Eastern R. R. Company," with amendments.

Councilor Smith submitted the following report:

Your committee on education, to whom was referred H. F. No. 47, "A bill providing for the establishment and support of district schools," etc., beg leave to report that they have had under consideration said bill, and respectfully report the same back, with proposed amendments, and recommend the adoption of said amendments and the passage of the bill.

The amendments were read and concurred in, excepting those portions of the bill changing "qualified voters" to "property tax-payers," which was not concurred in.

Communications were received from the House, announcing the passage of C. F. No. 36, "Providing for the adjournment of courts in certain cases," without amendments, that the House had concurred in Council amendments to H. F. No. 61, "Special elections," and had passed C. F. No. 38, "To change the surname of persons therein named."

H. F. No. 47, "Providing for the establishment and support of District schools, etc.," was recommitted, and Councilors Caine and E. Snow, added to the committee on education for the consideration of that bill.

Councilor Thurber reported back C. F. No. 34, "Licensing and regulating the sale of liquor," the same having been printed in accordance with the instructions of the Council.

Communications were received from the House announcing the passage of H. F. No. 71, "Defining the first and third judicial districts," of C. F. No. 37, "Sugar Bill," with amendments, and that the House did not recede from their amendment to C. F. No. 13, "Utah Eastern Railroad Bill," concerning "property taxpayers."

On motion of Councilor Smith, the Council adhered to their non-concurrence in said amendments, and asked for a committee of conference.

The President appointed Councilors Smith and Caine said committee on the part of the Council.

The following reports were submitted:

C. F. No. 21, "An Act apportioning the waters and islands of Great Salt Lake to the counties bordering thereon, and extending the northern boundary of Salt Lake County," C. F. No. 14, "An Act defining, recognizing and acknowledging vested and accrued rights to the use of water and providing for the exercise of such rights," C. F. No. 36, "An Act providing for the adjournment of courts in certain cases," and C. F. No. 39, "To change the surname of the persons therein named," have this day, at 5 p.m., been correctly enrolled and presented to His Excellency the Governor, for his consideration and approval.

D. H. WELLS, Chairman.

Your committee on education, to whom was referred C. F. No. 20, "A bill for an Act to amend 'A Act

providing for the establishment and support of District Schools, and for other purposes," beg leave to report that in their judgment further action on said bill is unnecessary, as the object thereof is fully met and covered by H. F. No. 47, "A bill providing for the establishment and support of District Schools, etc.," which is now under consideration by this Legislative Assembly.

Your committee therefore respectfully recommend that said bill (C. F. No. 20), be laid upon the table indefinitely.

J. F. SMITH, Chairman.

On motion of Councilor Thurber, the report in regard to C. F. No. 20, was adopted, and the bill laid on the table indefinitely.

Council adjourned to 11 a.m. tomorrow.

Tuesday, February 17, 1880.

A communication was received announcing that Messrs. Pack, Sharp and Fisher had been appointed the conference committee on the part of the House to consider House amendments to C. F. No. 13, Utah Eastern Railroad bill.

C. F. No. 71, "Defining the First and Third Judicial Districts of the Territory of Utah," was taken up, passed its first reading and was referred to the committee on judiciary.

A communication was received announcing that the House had passed H. F. No. 1, "Removing the political disabilities of women."

The bill was read the first time, passed its first reading, and was laid on the table to come up in its order.

C. F. No. 37, "To encourage the manufacture of sugar in the Territory of Utah," was then taken up and the House amendments concurred in.

C. F. No. 34, "Licensing and regulating the sale of Liquor," was then taken up on its second reading, amended and passed second and third reading, title approved and bill passed.

A communication was received announcing that the House had passed C. F. No. 27, "Amending Chapter IV, title 11, Compiled Laws," with amendments.

The House amendments to said Bill were read and concurred in.

Recess till 2 p.m.

2 p.m.

Councilor Smith submitted the following report:

Your committee on education, with Councilors Snow and Caine added, for the special consideration of (H. F. No. 47) "A bill providing for the establishment and support of district schools, etc.," beg leave to report the same back with further proposed amendments, and respectfully recommend that said amendments be adopted and the bill so passed.

(H. F. No. 1), "Removing the disabilities of women," was referred to the committee on judiciary.

Councilor Fotheringham presented a petition from the probate judge and selectmen of Beaver County, asking an appropriation to reimburse Josiah Rogerson, collector of said county, for delinquent taxes, not collectable, amounting to \$94.15. The petition was read, and referred to the committee on claims and appropriations, with instructions to incorporate the amount in the general appropriation bill.

Councilor Caine submitted the following report:

Your committee on general incorporations, to whom was referred H. F. No. 55, "A bill amending Chapter IV of Title XI, of the Compiled Laws of Utah," respectfully report that they have had said bill under consideration and find that all its provisions are included in C. F. No. 27, which has passed both Houses; they therefore recommend that said bill do not pass.

The report was adopted.

The following message was received from Governor Emery:

Hon. Lorenzo Snow,

President of the Council:

Sir.—I have the honor to inform you that I have this day approved and filed with the Secretary of the Territory the following bills:

C. F. No. 22, entitled "An act to change the name of Christian P. Christensen to Christian P. Larsen," C. F. No. 30, entitled "An act to change the surname of the persons therein named,"

C. F. No. 25, entitled "An act requiring records of mining districts to give bonds,"

C. F. No. 33, entitled "An act providing for the adjournment of courts in certain cases,"

A communication was received stating that the House had received a message from His Excellency the

Governor announcing his approval of H. F. No. 69, "For the protection of Bee culture," H. F. No. 62, "Defining the amount of the bonds of the Auditor of Public Accounts, and Territorial and County Treasurers," and H. F. No. 73, "providing for the organization of San Juan County, etc."

H. F. No. 47, "Providing for the establishment and support of District Schools, etc.," as amended by the committee passed and was sent to the House for its concurrence in the amendments.

A communication was received, stating that the House had passed H. F. No. 65, "For incorporating villages."

Councilor Harrington submitted the following report:

Your committee on elections, to whom was referred H. F. No. 18, "A bill for an act changing the time for holding general elections," respectfully report that they have had said bill under consideration, and deem it inexpedient to change the time of holding the general election at the present session. They therefore return said bill and recommend that it do not pass.

On motion of Councilor Merrill, the report was adopted.

The following report was submitted by Councilor Snow:

Your committee on counties, to whom was referred petition of Wm. J. Cox and twenty-seven others, of Beaver, asking a strip of country off the north side of Iron County, and one off the south side of Millard County, to be attached to Beaver County; also H. F. No. 33, "A bill amending section 163 of the Compiled Laws of Utah," so as to transfer a strip off the north side of Summit County, to Rich County, respectfully report that that they have considered said petition and bill, and find in each case that the changes sought for are not in the interests of the citizens or tax-payers in either of the several districts sought to be transferred, but in the financial interests of the Counties of Beaver and Rich. Believing that purely financial considerations are insufficient to justify such changes, we recommend that the said petition be not granted, and that H. F. No. 33 be rejected.

On motion of Councilor Cluff, the report was adopted.

The following reports were submitted:

C. F. No. 37, "To encourage the manufacture of sugar in the Territory of Utah," has been correctly enrolled, and this day, at 4 p.m., was presented to His Excellency the Governor for his consideration and approval.

Your committee on agriculture, trade and manufactures, to whom was referred H. F. No. 70, "A bill amending the laws on fish and game," respectfully report that they have had said bill under consideration, and report it back with amendments, and recommend that it be passed as amended. The title to read, "A bill amending certain Acts for the preservation of fish and game."

H. F. No. 65, "For incorporating villages," passed its first reading by its title and was referred to the committee on municipal corporations and townships.

A communication was received from the House, announcing the passage of C. F. No. 34, "Liquor bill," with amendments.

The House amendments to said bill were concurred in.

Councilor Teasdale was added to the committee appointed to examine the Auditor's warrants, etc.

Council adjourned till 11 a.m., Wednesday.

Wednesday, February 18, 1880.

Councilor Caine introduced C. F. No. 39, "To provide for the right of way for canals for Salt Lake City," and asked that it be read and referred to the committee on irrigation and canals. The bill was read the first time, and, on motion of Councilor Smoot, passed its first reading and was referred to said committee.

Councilor Harrington presented a petition from Arza Adams and 99 others, citizens of American Fork City, remonstrating against the extension of the eastern boundary of Lehi City, and asked that it be read and referred to the committee on municipal corporations and townships. Read and so referred.

Councilor Harrington, chairman of the committee on judiciary, reported back C. F. No. 17, "Repealing section 1,737 of the Compiled Laws, etc.," without amendment, and recommended favorable action on the same.

H. F. No. 70, "Amending the laws on fish and game," was then taken up on its second reading by

sections as amended by the committee, pending which, on motion of Councilor Smith, the bill was recommitted for further consideration.

Council took recess until 2 p.m.

2 p.m.

A communication was received from the House, announcing the passage of (H. F. No. 77), "Appportioning the representation of the Territory of Utah."

(H. F. No. 77), passed its first reading and was referred to the committee on counties, with Councilor Smith added, for the consideration of that bill.

Councilor Cluff presented the following report:

Your committee on roads, bridges, etc., to whom was recommitted (H. F. No. 27), "A bill pertaining to highways," have had said bill under consideration, and beg leave to report the same back with numerous amendments, and recommend its passage as amended.

(C. F. No. 17), "Repealing section 1737 of the Compiled Laws of Utah, etc.," passed.

Councilor Harrington, chairman of the committee on judiciary, reported adversely upon C. F. No. 31, "amending Compiled Laws." The report was adopted and the bill was rejected.

Councilor Harrington, chairman of the committee on judiciary, reported back H. F. No. 1, "Removing the disabilities of women," without amendment, and recommended its passage.

The following communication was received from the Clerk of the House:

I am directed to inform your Honorable Body that the House has this day passed upon the Council amendments to H. F. No. 47, "School bill," in some of which they concur and in some they do not concur. The House asks for a committee of conference on the subject of said amendments, and has appointed Messrs. Johnson, Penrose, Dusenberry, Jacques and Sharp, on the part of the House.

The President appointed Councilors E. Snow, Smoot, Caine and Smith said committee on the part of the Council to consider the Council amendments to said bill.

A communication was received announcing that the House had passed, without amendment, C. F. No. 17, "Amending section 1737, Compiled Laws."

Councilor Wells asked permission to change the word "date" to "interest" in article IV, section 41, line 3, C. F. No. 1, "Guardian and Ward," so as to read, "bearing interest from date of sale, etc.," the word "date" having been inserted in that place by mistake. The proposed change was authorized.

C. F. No. 27, "Pertaining to highways," as amended by the committee, passed, and was sent to the House for its concurrence in the amendments.

Councilor Thurber, chairman of the committee on printing, reported back C. F. No. 30, "To establish a Territorial Insane Asylum, etc.," the same having been printed in accordance with the instructions of the Council.

Councilor Smoot submitted the following report:

Your committee on agriculture, trade and manufactures, to whom was recommitted H. F. No. 70, "Amending Compiled Laws on fish and game," with instructions to amend, have had said bill under consideration and respectfully report the same back with an additional section, and recommended that it be made section 4, and that the Bill be put on its passage as amended.

Councilor Barton introduced C. F. No. 40, "Creating the office of public administrator, etc.," and moved that it pass its first reading by its title, and be referred to the committee on judiciary. So passed and referred.

Councilor Thurber submitted the following report:

Your committee on irrigation and canals, to whom was referred C. F. No. 39, "A bill to provide for the right of way for canals for Salt Lake City," respectfully report that they have had said bill under consideration, and herewith report it back, with the recommendation that the bill be placed upon its passage.

Communications were received, stating that the House had passed H. F. No. 80, "Changing the boundaries of Sanpete, Utah and Wasatch Counties," and had adopted the report of the conference committee on C. F. No. 13, "Utah Eastern" bill, which recommends the insertion of an amendment to section 2.

The amendment proposed by the conference committee to C. F. No. 13, "Authorizing certain counties to subscribe to the capital stock of the

U. E. R. R. Co.," was read and adopted, and the bill passed and was ordered enrolled.

Communications were received, announcing that the House had passed H. F. No. 81, "in relation to County and Probate Clerks," H. F. 79, "amending certain sections of the Compiled Laws," and H. F. 82, "authorizing the citizens of Rich County to locate their county seat by vote."

Councilor Caine submitted the report of the committee on judiciary regarding C. F. No. 5. (See local columns.)

Councilor Caine presented a bill for \$240, from Jesse W. Fox, Sen., for rent for Territorial Surveyor's Office for 1878-9, and moved its reference to the committee on claims and appropriations, with instructions, if found correct, to incorporate the amount in the general appropriation bill. Read and so referred.

Councilor Thurber presented a statement from P. T. Van Zile, Prosecuting Attorney, and Associate Justice P. H. Emerson, certifying that John B. Milner, Esq., had performed legal services in cases before the First Judicial District Court to the amount of \$1,000, and asked that it be referred to the committee on claims and appropriations, with instructions to consider the same. Read and so referred.

Councilor Caine introduced C. F. 41, "amending 'an act incorporating cities, etc.'"

C. F. 39, "to provide for the right of way for canals for Salt Lake City," passed.

Council adjourned to 10 a.m. on Thursday.

Thursday, February 19, 1880,

10 a.m.

No quorum being present, the Council took recess till 2 p.m.

2 p.m.

Councilor Harrington, chairman of the committee on Judiciary, reported (C. F. No. 42), "To provide for recording notices, etc."

The following communication was received:

The House has this day adopted the report of committee of Conference on Council amendments to (H. F. 47), "School bill," and, with one exception, the House concurs in all your amendments, except the amendment of striking out the latter part of section 10.

The report of the conference committee on the bill above referred to was read, and, on motion of Councilor Caine, was adopted in full.

Councilor Harrington reported back H. F. No. 56, "To amend an act for the protection of the keepers of inns," and recommended its passage without amendment.

The following communication was received:

The House has this day passed C. F. No. 35, "Amending the criminal practice act," approved Feb. 22, 1878, with one amendment.

The amendment above referred to was read and not concurred in.

Proceedings in progress.

HOUSE.

Monday, February 13, 3 p.m.

A message from the Council announced the passage of C. F. No. 36, "To provide for the adjournment of courts in certain cases," and that the President had appointed Councilors Thurber and Merrill the committee on the part of the Council to destroy redeemed Auditor's warrants.

C. F. No. 39, "To provide for the adjournment of courts in certain cases," on motion of Mr. Dusenberry, passed.

Messages from the Council stated that C. F. No. 38, "Changing the name of certain persons," had passed; also, H. F. No. 61, "Amending 'An act to provide for special elections,' approved February 22, 1878," with amendments; and C. F. No. 37, "A bill to encourage the manufacture of sugar in the Territory of Utah."

C. F. No. 38 was passed, the amendments to H. F. No. 61, were adopted, and C. F. No. 37 was passed.

Mr. Penrose, chairman of education, presented the following report: Your committee on education, to whom was referred Petition No. 20, left over from last session as unfinished business, beg leave to report back the same, and recommend that it be laid on the table indefinitely.

A message from the Council announced that that body concurred in House amendments to C. F. No. 13, "Authorizing counties to purchase stock, etc.," except that in relation to property to "property taxpayers."

On motion of Mr. Pack, the House does not recede from its amendments.