

UTAH LEGISLATURE.

COUNCIL.

Saturday, March 4, 10 a. m.
Council met pursuant to adjournment.

Roll called, quorum present.

Prayer by the chaplain.

H. F. 66, the bill concerning barbed and other wire fences, was read and reported to the committee on agriculture.

H. F. 71, extending the suffrage to persons above the age of 21 who have declared their intentions to become citizens of the United States was read and referred to the committee on judiciary.

H. F. 44, amending certain sections of the revenue law, giving details of instruction how assessors and collectors' rolls, warrants, etc., shall be made, was read and referred to the committee on revenue.

H. F. 80, for changing the name of Thos. Edmund Gauge, of Salt Lake City, to Thomas Edmund Gauge, was read and passed.

By unanimous consent, Councilor Wells, of the joint committee on constitutional convention, reported that they had carefully examined the matter and reported a resolution in favor of holding a general convention on the 10th of April next for sending representatives to Washington to ask for statehood for Utah. The resolution was read and adopted.

By unanimous consent, Councilor E. Snow, of the committee on municipal corporations, reported favorably on the petition of F. Schoenfeldt and 72 others, for limiting the west boundary of Salt Lake City to the Jordan River; also, in view, in the near future, of the five acre lots south of the city being irrigated by the new canal and the mountain streams being diverted for use on the bench lands, that the south boundary line of Salt Lake City be the street running west from the Paper Mill. Report and recommendation laid on the table.

C. F. 25, the Salt Lake City charter, was laid over until Monday, and made a special order for that day.

A message was received stating that the House did not concur in the Council amendments to the bill concerning the Utah reports. A motion prevailed that the Council does not recede from their amendments to this bill.

The House did not concur in the Council amendments to the stray bill at drive or round ups, for branding the strays and for redeeming them within twelve months. A motion prevailed that the Council do not recede from their amendments.

The committee on municipal corporations reported back H. F. 55, to incorporate Park City, which was recommended to the committee on municipal corporations with the same amendments in its provisions.

H. F. 63, to provide for canceling warrants and prohibiting treasurers and collectors from discounting warrants, was read and referred to the committee on revenue.

A joint resolution for the distribution of the 300 bound copies and 50 unbound, of the compiled laws now in the Territorial Library, was read and referred to the committee on library.

Benediction by the chaplain.

Council adjourned until 2 o'clock Monday.

Monday, March 6, 1892, 2 p. m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Councilor E. Snow.

Councilor Caine, of the committee on judiciary, reported back the bill to extend the rights of suffrage with amendments.

Councilor Caine, of the committee on education, reported back the petition of W. R. Smith and 258 others, citizens of Davis County, asking that six mills on the dollar be assessed for school purposes. The committee did not favor the petition, deeming that such a step would be unwise legislation at the present; and as the school law gives the districts power to levy taxes as high as 2 per cent., each district is provided with means for the necessities of the districts. The report was adopted.

The House of Representatives notified the Council that H. F. 32, in relation to fees of jurors, and H. F. 77, to enforce the civil rights of the Territory, had been passed.

C. F. 25, the bill incorporating Salt Lake City, was taken up. The changes in the boundaries, west and south, not being exactly settled in the minds of the Councilors, a mo-

tion was made to refer it back to the committee.

Councilor Caine hoped the motion would not prevail, as the bill before the House was what the City Council of Salt Lake City wanted, and he had heard no reason why the people over Jordan should be cut off from the corporation, for though they had not paid one dollar of taxes they had been "protected more or less, and were freed from the presence of saloons, etc., and the City Council wished to retain this power, so as to keep itself free from saloons, etc., close to the city, yet outside their jurisdiction. In relation to the southern boundary no petition was before this Council, and what steps had been taken to extend the city southward were unofficial. Though the object of getting some of the canal water for irrigation on the land adjacent to the southern boundary and letting the mountain water go on to the dry benches, was certainly a laudable one, the councilor did not want to see the passage of the bill jeopardized at this late date by such alterations, and especially as the representation in the Council were not advised concerning such measures.

Councilor Cluff saw the necessity of cities protecting themselves on their borders, otherwise liquor saloons and objectionable houses could be run free from restraint or license, and yet be near enough to the heart of the city to be a nuisance and do damage to citizens.

Councilor Caine moved that the municipal wards be made to correspond with the precincts in said city, as established by the County Court of said County. Carried.

Councilor Thurber moved that the city pay the County Court a just proportion of the expense of carrying on elections. Carried.

Councilor Wells showed that there was no provision in the bill for returns of elections to be made to the city, and there is no law compelling a County Clerk to make such returns.

Councilor Caine then moved to amend section 6 by adding a provision that after the canvass of the returns, the County Clerk of Salt Lake County shall furnish an abstract to the City Recorder of the names of the persons elected, etc. Carried.

Councilor Wells also spoke of the omission of a notice to the County Clerk of what officers were to be elected, etc. An amendment was submitted that the City Recorder shall notify the County Clerk twenty days before the election of the officers to be elected. Carried.

Councilor Caine said that the present bill states that the act shall go into force July 1, 1893, and the election take place August, 1893. The bill then holds over from August, 1893, to January, 1894, but the old charter under which they were elected will have been repealed. He then moved an amendment that for election purposes the act shall go into effect July 1, 1893, and for all other purposes on and after the first Tuesday in January, 1894. Carried.

Councilor Caine moved that as section 68 in relation to the regulation of schools is in conflict with the Territorial school law it be stricken out. Carried.

Councilor Caine also moved an amendment to the section referring to the borrowing powers of the city so that the section should not interfere with the powers of the city to issue bonds for the expense incurred in getting water by the canal.

Councilor Wells moved to amend section 79, referring to the veto power of the mayor, by providing that if he shall fail to return any bill within ten days, the ordinance shall again be presented for the action of the council. Carried.

Councilor Wells also moved to insert the remitting clause of taxes for the poor, insane, etc. Carried.

The bill passed its second and third readings, and was sent to the House.

A message from the House stated that C. F. 24, providing for bee inspectors, had been rejected; that H. F. 75, defining the duties of county clerks, and that H. F. 81, amending section 181 of the Compiled Laws, had been passed.

The bill changing the name of Lars P. Christensen was ordered to be enrolled.

A message from the House was received stating that the House did not concur in the Council amendments to the fish and game bill, and that H. F. 65, providing for penalties for cruelty to animals, had passed.

A committee of conference was asked for on the fish and game bill.

A message received from the Governor stating his disapproval of the bill incorporating Nephi City was read.

The reasons given were that the power to license, tax and regulate the business of merchandise and the persons engaged therein does not exist in a legislature, and is clearly against public policy.

The power to tax drummers, agents or transient residents is objectionable. It is objectionable in that it authorizes officers of the city to detain persons without process for 48 hours, and further provides for the unnamed exercise of arbitrary power.

The incorporation of small towns into cities, with expensive governments and large powers, is pernicious. A bill to give inexpensive town governments and qualified powers, to be adopted by a vote of the people, would receive his hearty approval.

Also that he disapproved the bill incorporating the city of Silver Reef. From petitions he had personally received he was convinced that a majority of people in Silver Reef did not want the charter; but an inexpensive town bill with qualified powers, dependent on the vote of the people would be approved by him.

Also that he disapproved the general liquor bill on the ground that the second section of the bill was too cumbersome, as it contains the principle of license and local option, and requiring of the dealers in this trade bonds and requirements that are not applied to any other trade or business, and the bond matter invites favoritism and oppression. The selling of liquor should be either licensed or to all absolutely prohibited. The local authorities are better judges than the legislature. To give the majority of the registered voters in a precinct or city power to prevent one individual from engaging in a business otherwise lawful would be unjust and provides an engine for the easy destruction of business rights. The punishing of a person for selling liquor to any insane or idiotic person or Indian or to a minor should only be when the act was accompanied with a guilty knowledge. The Governor objects to diverting from cities where the liquor selling is carried on the revenue for district schools, and says this act will not stand the test of trial in several particulars.

Also that he disapproved the bill for the collection of small debts.

Also that he disapproved the act designating public or legal holidays, but offered a substitute which if accepted and passed would be signed by him. The proposed substitute only adds a section to the original bill for giving days of grace on those holidays.

Also that he approved the Act amending section 1444 of the Compiled Laws.

The substitute for the holiday bill was taken up by unanimous vote and referred to the committee on judiciary.

Adjourned to 10 a. m. Tuesday.

HOUSE.

Saturday, 10.30 a. m.

Mr. Preston, from the committee on agriculture, reported unfavorably upon the petition of Daniel Graves, asking for aid in the culture of silk in the interest of the Utah Silk Association. The committee did not think the Assembly had power to appropriate for private corporations or enterprises.

Also H. F. 8, amending section 415 of the Compiled Laws.

H. F. 65, providing for punishment for cruelty to animals.

C. F. 24, providing for the appointment of bee inspectors, without recommendation.

The House refused to concur in the Council amendments to the bill providing for the branding of strays and the rounding up of cattle. The bill provides that a horizontal letter S, three inches long, with a semicircle above it, branded on the right side of the animal shall constitute an estray brand.

A discussion ensued as to the advisability of determining the size of the brand, and as to whether such action would conflict with the law of 1872, on the same subject, which gave to the county courts power to determine what shall constitute an estray brand.

The Speaker explained that the brand in question was to be for territorial strays, whereupon Mr. Hatch objected to the Territory taking the power named away from county courts.

The committee on highways, by

Mr. Peterson, reported their recommendation to appropriate \$1,000 to finish the wagon road between Rich and Cache counties, in lieu of the \$1,500 asked for by petition of A. E. Pearce and 194 others, and that the amount be drawn and expended under the direction of the probate judge of Rich County and C. O. Carr, of Cache County. The amount was allowed.

Also upon the petition of James L. Bunting and others, asking an appropriation to make a road through Kanab Canyon; recommended that \$500 be appropriated for that purpose, to be expended under the direction of the probate judge of Kane County. The amount was ordered to be incorporated in the appropriation bill.

The claims committee by Mr. Penrose, reported their recommendation to allow the following expense bills: To James Jack, for statutes at large, \$11.35; to Z. Snow, for legal services \$75; to George M. Brown for legal services \$150, and to E. Booth for legal services \$150. Adopted.

The committee on public health, by Mr. Page, to whom was referred the petition of J. S. Hamilton and 132 others asking that a provision be made in the charter of Salt Lake City for a system of sewerage, reported their recommendation that the prayer be granted and that such provision be incorporated in the new city charter of Salt Lake, now in the Council. Adopted.

The committee on commerce reported unfavorably upon the bill licensing commercial travelers, as it would not be in the interests of the people. The bill H. F. 46, was rejected.

The judiciary reported a substitute bill for the jury fee bill, referred to them yesterday.

The committee on fish and game, by Mr. Atwood, reported their recommendation that the House do not concur in Council amendments to the bill relating to H. F. 56. Adopted.

The dog bill was reported back from the committee on contingent expenses, with a recommendation for reference to the judiciary.

Mr. Penrose wanted it sent to the irrigation committee, as the country was flooded with dogs.

Mr. Snow moved an amendment that the bill be referred to the committee on fish and game, with instructions to report it back as a substitute for the fish and game bill under consideration.

Other suggestions were offered, resulting in the reference of the bill to the judiciary.

The committee on education, by Mr. Dusenberry, reported a substitute for H. F. 10, and recommended that H. F. 62 lay on the table. Both bills relate to district schools. Adopted.

Mr. Johnson reported that the bill to amend title 20 of the Compiled Laws (the Civil Practice Act), had been correctly enrolled and presented to the Governor.

The claims committee reported their recommendation to appropriate \$400 to the relief of Jesse M. Fox, surveyor-general of the Territory, and also that the committee on ways and means be instructed to enquire into the usefulness of the office of territorial surveyor-general. Adopted.

The committee on municipal corporations reported unfavorably upon the petition of Wm. T. Seeley and 84 others for a new city charter for Mount Pleasant, Sanpete County, as recent legislation granted all the additional power that was at present necessary. Adopted.

The committee on insane asylum reported, by Mr. Preston, that as sufficient power was given in a former act to establish a territorial insane asylum the committee recommended that the resolution respecting the erection of such a building, being unnecessary, be rejected. So ordered.

A Council message stated that the bill to change the name of Thomas E. Genge to Gange had passed and that the bill to amend section 1205 of the Compiled Laws had been rejected.

By leave, Mr. Johnson introduced a bill to incorporate the town of Kanab, which was then read twice by title and placed on the general file.

The special order, the report of the committee on insane asylum, was taken up and read, in connection with the recommendation of the House committee to appropriate \$30,000 to continue the erection of the building in question.

Mr. Farr opposed the appropriation, as the Territory could not af-

ford to erect a building at the rate of \$1,000 for every proposed inmate.

Mr. Preston stated that the building would cost no more than \$500 per capita, the other expense being incurred in the purchase of land, etc. The Board wanted \$75,000 more, but the committee wished only to recommend an appropriation of \$30,000.

Mr. Jaques was opposed to incurring such an expense, as the one proposed. Last session, \$25,000 were appropriated. Utah County had appropriated 2,000 and Provo City \$500, which, with \$15,000 appropriated this session, was ample for the care of all insane persons in the Territory for years to come. We should act in conformity with the people's means, and not erect a grand building for show. This is a time when the people should be economical and not foolishly extravagant.

On motion the recommendation was referred to the appropriation committee, with instructions to incorporate the amount in the appropriation bill.

H. F. 53, in relation to cancelling warrants and forbidding treasurers and collectors from purchasing the same at a discount, was read. The bill was amended to read as follows:

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That no territorial, county, city or district treasurer, or collector of taxes shall either directly or indirectly contract for or purchase any warrant or order issued by the territory, county, city or district, of which he is treasurer or collector, at any discount whatever upon the sum due on such warrant or order; and if any territorial, county, city or district treasurer or collector of taxes, shall so contract for or purchase any such order or warrant, he shall not be allowed to settle the amount of said order or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant to be recovered by civil action.

SEC. 2. It is hereby made the duty of each county treasurer to procure at the expense of the county, proper canceling stamp and imprint the same on all county warrants redeemed by him, and deposit said warrants in his office.

The title was amended to read "A bill to cancel warrants, and forbidding treasurers and collectors from purchasing warrants or orders at a discount."

The concurrent resolution was read concerning the distribution of the surplus bound copies of the Compiled Laws to the several county courts, to the several States and Territories, and retaining a number for the use of the House. The resolution was passed.

The rules were suspended and the following substitute for H. F. 32, above reported from the judiciary, in relation to jurors' fees in civil cases, was read:

"In all civil cases, the party demanding the jury shall pay the per diem of such jury for one day to the clerk, when the jury is empanelled, and before the commencement of the trial; and in case the trial shall continue for more than one day, the same party shall pay to the clerk the per diem before the resuming of the trial on that day, and so on for every succeeding day of the trial. If the party paying the per diem to the jury shall have judgment in his favor, he shall recover the amount of such per diem as costs from the opposing party to the action. The clerk shall pay to each juror sitting upon the case his per diem at the close of the trial."

The bill was adopted.

Mr. Thurman offered the following substitute for the bill under consideration:

Sec. 1. That hereafter no juror shall be compelled to serve in civil cases in courts of this Territory, without the fees of said jurors as prescribed by law being tendered each day in advance.

Sec. 2. The party paying the jury in any civil case may, if the judgment be in his favor, have the amount included in his bill of costs to be collected at the same time and in the same manner as other costs are collected.

Mr. Thurman stated that there was no penalty attached to a refusal to pay the fee, under the provisions of the judiciary substitute. Mr. Thurman subsequently withdrew his substitute.

The first bill was put upon its passage and passed—ayes 20.

H. F. 65, a bill to provide for punishment for cruelty to animals, read the second time and filed.

H. F. 24, for the appointment of bee inspectors, was read the second time and filed.