

## THE LEGISLATURE

## COUNCIL.

March 2, 1888.

Council convened at 10 a. m.  
A communication was received from the House requesting a joint session of both houses at 11 a. m. for the purpose of electing three directors of the Territorial Insane Asylum and a chancellor for the University of Deseret. Granted.

The Council was notified of the passage by the House of the memorial to Congress protesting against the removal of Indians from Colorado to Utah.

H. F. 79, amending civil procedure, was read the first time and referred to the committee on judiciary.

H. F. 26 (substitute), on private corporations. Referred to the committee on corporations.

H. F. 47, public schools, was read the first time and referred to the committee on education.

H. F. 76, for the incorporation of cities, was read the first time and referred to the committee on municipal affairs.

Olsen, from the committee on claims, reported on the petition of Samuel Kazier asking compensation for the capture of prisoners, etc., recommending that it be not granted. Adopted.

Tuttle, from the committee on agriculture, recommended the passage of H. F. 74, for the prevention of cruelty to animals. The report was adopted and the bill filed for second reading.

Tuttle, from the same committee, recommended the rejection of C. F. 28, providing for a geological survey, as the bill for an agricultural college substantially covers the provisions of the former.

Carlisle, from the committee on education, recommended the passage of H. F. 77 (deaf mutes). Adopted, and the bill filed for second reading.

Marshall, from the committee on municipal corporations and towns, reported on H. F. 69, for the relief of the inhabitants of cities and towns, recommending its passage. Adopted and the bill filed for second reading.

C. F. 30, providing for executions in justices courts (special order of the day) was called for third reading and rejected.

H. F. 74, prohibiting cruelty to animals, was taken up for second reading, pending which, at 11 a. m., the Council took a recess for joint session, subject to the call of the chair.

On reassembling at 11:25 a. m., the Council resumed consideration of H. F. 74, which was amended and passed its second reading, when, at 11:50 p. m., the Council took recess till 2 p. m.

12 p. m.  
A communication was received from the House notifying the Council of the passage of H. F. 78, to prevent injury by barbed wire fences; the bill was read by title and filed for second reading.

House concurrent resolution No. 6, on the anti-polygamy bill, was read and concurred in by the Council.

H. F. 80, prohibiting the sale of liquors against the will of the people, was read by title and referred to the committee on judiciary.

H. F. 44, to license and regulate the sale of intoxicating liquors, was read and referred to the committee on judiciary.

A communication was received from the Governor notifying the Council of his approval of the Orphans' Home memorial praying for a grant of ten acres of Fort Douglass reservation.

Shurtliff, from the committee on Capitol Hill grounds reported a resolution providing for the acceptance of the grounds by the Governor and Legislature, on certain conditions, the lands to change ownership on the passage of the resolution. The report of the committee was adopted and under the suspension of the rules the resolution was read a second and third time and passed without amendment.

Woolley, from the judiciary committee, reported on H. F. 79, code of civil procedure, and recommended its passage. The report was adopted and the bill filed for second reading.

H. F. 74, for the prevention of cruelty to animals, was read the third time and passed.

H. F. 69, providing for sale of town site lands, was read the second and third times and passed.

H. F. 77, in relation to deaf mutes, was read the second and third times and passed.

March 2, 1888.

H. F. 79, amending the code of civil procedure, was read the third time and passed.

H. F. 71, on life insurance, was read by title and referred to the committee on private corporations.

C. F. 34, to amend chapter 12 of the laws of 1886, providing for an ad valorem tax in lieu of poll tax was called up for third reading. The tax proposed is 2 mills on the dollar and may be made payable in labor.

Mr. Olsen moved the passage of a substitute for C. F. 34, stating that the bill as read would disfranchise many citizens who are solely dependent upon this tax for the right of franchise.

Marshall spoke favoring the substitute.

Smoot explained that in drafting the bill there was no intention to disfranchise anyone, but the poll tax law was notoriously inefficient for highway purposes and that it was consequently suppressed in many States by an ad valorem tax.

Marshall moved to strike out the enacting clause of C. F. 34; carried, and the bill killed.

H. F. 68, providing punishment for those injuring barbed wire fences, was called for second reading, and, on motion of Smoot, the bill was killed as superfluous legislation.

H. F. 10, providing for the establishment of a territorial reform school, to be located in Weber County, was taken up for second reading, elaborately discussed by Carlisle and others, amended and filed for third reading.

H. F. 69, county governments, was called up for third reading and passed—Young voting "No."

The House notified the Council of concurrence in amendments to H. F. 69, 74, 77 and 79.

C. F. 18, Insane Asylum, was then called for third reading. On motion of Bryan, passed, under suspension of the rules.

Olsen moved reconsideration of the vote killing H. F. 7, on equalization of taxes. Carried, and the bill made special order for tomorrow.

The Council at 5:20 p. m. adjourned till 10 a. m. tomorrow.

March 3, 1888.

The Council convened at 10 a. m.

A message was received from the House notifying the Council that the House concurred in all amendments to H. F. 69 (county governments), except one. A conference committee was appointed, consisting of Woolley, Smoot and Carlisle.

The Council was notified of the passage by the House of C. F. 19, to encourage the manufacture of sugar, and C. F. 25, civil procedure.

Woolley, from the judiciary committee, on H. F. 44, licensing and regulating the sale of intoxicating liquors, recommending its passage. The report was adopted and the bill filed for second reading.

Woolley, from the same committee, reported on H. F. 30 (local option), recommending its passage. Report adopted and bill filed for second reading.

Marshall, from the committee on private corporations, reported on H. F. 75 (cruelty to animals), recommending its passage. The report was adopted and the bill filed for second reading.

Olsen, from the committee on claims and public accounts, reported on the petition of J. E. Dooley, for reimbursement of witness fees, mileage, etc., advanced by Wells, Fargo & Co., stating that, in consideration of the fact that the Hon. John T. Caine was in 1880 appointed a commissioner by the Legislature Assembly to consider said claims, and proposed to allow portions of them, and finding this conclusion to be just, they recommended that said petition be not granted. The report of the committee was adopted.

Substitute for H. F. 7 (special order of the day), providing for the equalization of taxes, was read the third time, amended and passed.

The Council was notified that the House had rejected C. F. 5 (classification of cities), for the reason that H. F. 79 contained similar provisions; also, that the House had concurred in joint resolution No. 1, accepting the lands on Capitol Hill.

H. F. 44, licensing and regulating the manufacture or sale of intoxicating liquors, was called up for second reading.

At 11:15 the Council took a recess pending the consultation of the joint committee on H. F. 69.

At 11:50 the Council resumed consideration of H. F. 44.

At 12:10 p. m. Council took a recess till 2 p. m.

2 p. m.  
The committee to whom was referred the disagreement on H. F. 69, reported, recommending that the Council recede from its amendments. The report of the committee was adopted. The committee on conference, to whom was referred H. F. 38, on determining county lines, recommended that the Council recede from its amendments. The report was rejected.

A communication was received from the Governor notifying the Council of his approval of the memorial protesting against the removal of Indians from Colorado to Utah; also substitute for C. F. 19, to encourage the manufacture of sugar, and H. F. 25, on documentary evidence.

Marshall, from the committee on municipal corporations, reported on H. F. 76, providing for the incorporation of cities, recommending its passage. The report of the committee was adopted and the bill taken up for second reading.

HOUSE.

Feb. 27, 1888.

During the discussion over the amount to be appropriated for the reform school, King suggested that it could not be intelligently fixed till the committee should report.

Hoge replied that the report of the committee was ready, and there were calls for it, regardless of the regular order. In response to the demands of members Hoge offered the following:

Mr. Speaker:

Your committee on penitentiary and reform school to whom was referred the reports of the special committee for the location of the proposed reform school, beg leave to report that they have considered the same, and recommend that the board of directors which shall be elected to take charge of the said institution, be authorized to locate the said reform school in Weber County, south of the Weber River.

Respectfully,

Hoge, Chairman.

As Hoge sent the above to the clerk, Hatch arose and stated that a minority of the committee had prepared a re-

port which he asked to have read and adopted. It is subjoined:

Mr. Speaker:

The undersigned, being a minority of the committee on penitentiary and reform school, respectfully represent that:

Whereas, At a meeting of the committee on penitentiary and reform school held this day for the purpose of considering the report of the special committee on reform school, it was decided by a majority vote to limit the location of the proposed reform school to Weber County south of Weber River, and

Therefore, We consider this action of the majority of the committee not to be for the best interests of the Territory.

Would therefore recommend, That the majority report of the committee be rejected and that the following recommendation be accepted:

That the reform school board be authorized to make the location of the reform school at any point in their judgment best adapted for said school, within the limits of Salt Lake, Davis and Weber Counties.

Respectfully submitted,

HATCH.

FARNSWORTH,

Of committee on penitentiary and reform school.

Thurman wanted time for consideration before acting on the report of the committee, and moved postponement one day.

Moyle opposed postponement, and urged that the bill had been too often deferred.

Hoge moved to amend the majority report by striking out the clause, "south of Weber River," so as to allow the reform school to be located anywhere in Weber County. Carried.

Farnsworth moved to amend so as to allow the reform school to be located anywhere in Weber, Davis or Salt Lake counties. This amendment would have made the majority substantially identical with the minority report, but it was lost.

The majority report was adopted. Richards offered as an amendment a section providing for condemning a site, etc., for a reform school, if necessary. Adopted.

H. F. 47, Allen's school bill, came up on second reading. It was read through by sections, slightly amended, and made special order for tomorrow. The memorial to Congress, asking for ten acres of the Fort Douglas military reservation, which had passed the Council, was read and passed.

McLaughlin introduced a bill providing for incorporating sportsman's clubs. Committee on private corporations.

The bill establishing a deaf mute institute was passed. It appropriates \$15,000 for purchasing a building, and \$3000 annually for the next two years to maintain the institute.

At 6:40 the House adjourned till 10 a. m., tomorrow.

March 1, 1888.

Opening exercises.

Farnsworth introduced a petition asking for the division of Piute County. Counties committee.

Farnsworth introduced the petition of M. L. Shepherd asking to be reimbursed for unpaid taxes. Claims committee.

Thurman, for the judiciary committee, reported adversely on the bill to change the boundaries of the first and second judicial districts. Adopted, and the bill was rejected.

He also reported favorably, with amendments, a bill amending the penal code. Filed for second reading.

He also reported favorably on H. F. 79, amending the civil code, and on Hoge's marriage bill.

Clark, for the claims committee, reported adversely on the claim of Wm. Burrows, \$80, for jury service. Adopted.

Heybourne, for the committee on manufactures and commerce, reported on the property, conditions, etc., of the D. A. M. Society. The report was accompanied by a communication from the president of the Society, which was read. Report adopted.

Seegmiller, for the live stock committee, reported adversely on a bill relative to branding stock, etc. Adopted and the bill was rejected.

Rouche, for the committee on agriculture, reported favorably on the bills relating to sugar, and injuring barb wire fences.

The enrollment committee, King chairman, reported several bills sent to the governor.

Lund, for the committee on counties, reported adversely on the Council bill requiring certain officers to reside at county seats, and favorably on two other bills.

Creer, for the elections committee, reported favorably on two liquor bills.

King, for the conference committee on the county boundaries bill, reported that the council would recede.

The educational committee, Moyle chairman, reported Allen's school bill without recommendation. The bill had already been considered. Report adopted.

The general municipal bill came up, and a large number of minor amendments to it were made.

Thurman moved to strike out five sections relating to actions for violations of city ordinances, on the ground that the subject was fully covered by existing laws.

One of the sections was stricken out, but Allen moved to reconsider the vote by which it was done. Carried.

A long debate took place upon the whole subject in which Thurman, Hoge, Moyle, King, Allen and others took part, and the section which had been stricken out was restored.

By an oversight, an article on education had been omitted from the draft of the bill. Allen moved its adoption. It allows incorporated cities to be exempted from territorial school laws, gives city councils control of school matters and provides for free schools.

Thurman moved to make the bill a special order for tomorrow. Lost.

Hatch moved to amend so as to leave it optional with city councils whether they have free schools or not.

Allen opposed this amendment and it was lost.

At 12:35 the House took a recess till 2 p. m.

2 p. m.

After the noon recess, the consideration of the municipal bill was resumed. The article on education, embracing several sections, was adopted.

A substitute for the article which had been stricken out, prescribing the manner in which districts included in municipal corporations might become detached therefrom, was discussed, amended and adopted. It provides for detachment by a majority vote of the whole city.

The bill passed by a vote of 15 ayes, 3 noes.

Allen, for the committee on public health, reported favorably on C. F. 35.

Allen's school bill came up on third reading. The committee offered a number of amendments, not affecting the vital features of the bill, which were adopted.

The bill was under consideration when we went to press.

March 1, 1888.

Creer moved to make the county tax, provided for in Allen's school bill, four mills instead of six. H thought four mills would be enough in addition to the Territorial three mill tax, to pay teachers.

Allen opposed the amendment. Counties were not required to levy a heavier tax than necessary, and six mills was not a high maximum.

Creer's amendment prevailed by one vote, and the maximum of the county tax was reduced from six to four mills.

Jones moved to increase the compensation of the county superintendents to \$20 instead of \$10, for each district in their county. Lost.

Allen moved to amend so as to make persons under 17 years of age ineligible as teachers.

Jones opposed the amendment. He thought examining boards should be left to determine the qualifications of teachers, age included. He urged that in some localities only cheap teachers could be afforded to teach small and primary schools. He opposed fixing an arbitrary rule by law, which might injure some young persons, precocious and ambitious, and some poor districts.

Moyle favored the amendment, believing it would tend to elevate schools, and do the greatest good to the greatest number.

Creer opposed the amendment. He thought no limit as to the age of teachers should be fixed by law, but that the matter should be left to the discretion of school officials.

Hatch proposed to amend the amendment so as to fix the limit at 16 years. Lost.

Allen's amendment to fix the age at 17 years was then lost.

Creer then moved to amend so as to require a district to keep a school two instead of three terms a year, in order to obtain its apportionment of school money.

Allen stated that the educational committee were unanimous in thinking that a district ought to keep a school 30 weeks in a year.

Creer held that in many districts it would work hardship to compel three terms a year to be held.

Moyle said that later information might have changed the opinion of the committee.

The vote was a tie, and the speaker decided it in favor of three terms.

Some of the features of the bill were further discussed when it was put upon its passage.

The vote was twelve ayes to nine noes, lacking one of the required majority, which the chair cast, thereby causing the bill to pass.

King came in and asked to have his vote recorded aye, which was done, making the vote fourteen ayes and nine noes.

The House adopted the memorial to Congress, protesting against the removal of the White River Utes from Colorado to the Utah reservation.

Hatch said that if those Indians came to Utah they would be under good government and could come to our free schools. [Laughter.] He would vote against the memorial.

King's high license liquor bill came up on second reading, and was read by sections. It is a very stringent measure.

Richards moved to amend the first section by striking out certain words which prohibit the giving, furnishing or disposing of liquor, allowing the bill to prohibit the manufacturing, selling and bartering. Lost.

Hoge moved to strike out the whole of section 2, which requires dealers to get permission from the owners of a majority of the land within 400 feet of their saloons before commencing business; to give an ironclad bond, etc. Lost.

A number of amendments were made to the bill and considerable antagonism was aroused over its provisions. Attempts to refer it and postpone it failed, and it was filed for third reading.

Moyle moved to invite the Council to meet in joint session March 3d, to elect three directors of the insane asylum and the chancellor, board of regents and treasurer of the university. Carried.

The Council bill relative to occupying claimants was sent to the committee on agriculture.

Hoge's bill to amend the civil code in respect to judgments, making them a

lien on real property acquired after rendition, was passed unanimously.

The bill relating to killing of stock on railroads came up on third reading. Hoge moved to amend so as to require the killing to be done negligently in order for damages to be recovered. Lost.

The bill passed. H. F. 30, the local option bill, came up on third reading.

King moved the adoption of a section providing for injunction against liquor dealers in certain cases. Carried.

King moved to strike out the provisions relating to sales of liquor on physicians' prescriptions and for sacramental purposes. Carried.

Allen moved to strike out the enacting clause. His main reason was because the bill, as amended, prohibited the sale of liquor for medicinal purposes. He was in favor of local option, but the House was carrying it too far.

King made a speech in opposition to Allen's motion, referring to the necessity of abolishing the "drug store" liquor traffic. He took the ground that no law could prohibit the sale of liquor for medicinal purposes.

Richards favored postponing the bill till tomorrow, to be considered in connection with the high license bill.

Allen replied to King's speech, and Creer took part in the debate, favoring the bill.

Hatch said his name was on the back of the bill, and he protested against the murder of it.

The House refused to strike out the enacting clause.

The Speaker stated that Mr. Musser had a tank of fish in the rear of the building, which he invited members to inspect.

Hatch asked if they were cooked. [Laughter.]

Another conference committee was appointed on the county boundaries bill, consisting of Howell, Allen and Lund.

At six o'clock the House adjourned till 9 a. m. March 2.

March 2, 1888.

Opening exercises.  
Hatch presented a number of local option petitions, which went to the elections committee.

King introduced a petition and bill relating to the sale of injurious drugs. Both went to the committee on public health.

Lund, for the committee on counties, reported adversely on the petitions for the division of Piute County. Adopted, and petitions denied.

The judiciary committee reported a substitute for the bill defining the boundaries of the fourth judicial district. Ordered printed.

At the suggestion of the chair, a motion to reconsider the vote by which the resolution, introduced by the judiciary committee Feb. 15, recommending the rejection of King's anti-polygamy bill, was adopted, was carried, and the resolution was again before the House. The object of this action was to so amend the resolution so as to make it concurrent, that both Houses might act upon it. It was so amended and agreed to by the House.

King, for the municipal committee, reported adversely on the petition to amend the charter of Moreau, for the reason that the general municipal bill afforded the desired relief. Adopted.

The local option bill came up as unfinished business.

Hoge moved to strike out the first section, which provides for local option in cities as a whole or by wards. Lost.

Hoge moved to strike out the enacting clause. Lost.

King moved that the bill pass, and it passed by a vote of 16 ayes, 3 noes.

The bill punishing persons for damaging barb wire fences came up, and was treated with great levity.

Hatch moved to reject the bill. Lost.

After some further discussion, the bill passed by a vote of 13 to 3.

The House took a recess.

JOINT SESSION.

At 11 o'clock the members of the Council entered the hall of the House, for the purpose of holding a joint session for the election of three directors of the insane asylum, and a chancellor of the University of Deseret. The following were elected:

Directors of the insane asylum: Francis Armstrong, L. W. Shurtliff and James Dunn.

Chancellor of the University: Orson F. Whitney.

Regents: John T. Caine, W. W. Riter, E. A. Smith, Frank W. Jennings, Prof. Edward Benner, James Sharp, C. C. Richards, A. W. Carlson, G. M. Scott, Wm. M. Stewart, S. H. Thurman and Fred H. Auerback.

Treasurer: T. G. Webster.

The Liberal members absented themselves from the joint session.

After transacting the above business, the joint session dissolved, and the

HOUSE

resumed, the subject under consideration being King's high license bill.

Allen moved to make the minimum license \$600 instead of \$1,200.

Hatch moved to make the minimum \$400, thinking \$600 would be prohibitory in the rural districts.

The House made the amount \$600.

Other features of the bill were discussed and some amendments were made, while others were lost. The rigorous character of the bill created differences of opinion.

Moyle moved to strike out the re-