

THE LEGISLATURE.

COUNCIL—MARCH 8.

Pursuant to adjournment, the Council was called to order by the President at 2 p.m., and after the call of the roll and prayer, the journal of Tuesday was read and approved.

A communication was received from the House, announcing the appointment of Messrs. Lund, West and King as a committee on conference in reference to the reform school bill.

Another communication announced the passage by the House of C. F. No. 20, a bill amending section 378, and 380 of the compiled laws; referred to the committee on enrollment. C. F. No. 38, a bill amending section 4, chapter 30, session laws of 1884, with amendments which were concurred in. H. F. No. 45, a bill in relation to the settlement of estates and guardianships; read the first and the second time by its title, and referred to the committee on judiciary.

Mr. Sharp, from the conference committee on the reform school bill, reported that they had considered the amendments offered to this bill, had amended the section concerning the board of directors and had reported from the other amendments; report adopted and the bill ordered to be returned to the House.

Mr. Taylor presented a petition from W. C. Spence, asking to be remunerated for clerical services in 1884; referred to the committee on claims and public accounts, without being read.

Mr. Page, from the committee on highways, reported back the petition of the officers of Weber and Davis Counties, asking for an appropriation to aid said counties in constructing a bridge over Weber River, and recommended that the sum of \$4,000 be appropriated for that purpose, provided that the county courts of said counties would furnish the amount necessary to complete the bridge; the report was adopted.

Mr. Grover, from the committee on agriculture, reported H. F. No. 20, a bill regulating the herding, branding and care of stock, with amendments; report adopted.

Mr. Francis, from the committee on claims and public accounts, reported adversely on the petition of N. W. Clayton asking for \$1,000 for assistant clerk hire for the past two years and a similar sum for the ensuing two years; report adopted and petition not granted.

Also, from the same committee, the claim of Peter Thygesen and others, for witness fees for attendance at McKay's court, in the case of the prosecution of the Moss brothers, and recommending that the petition be not granted; adopted.

Mr. Grover, from the committee on judiciary, reported back C. F. No. 36, a bill amending sec. 139, chap. 2, title 2, of the code of civil procedure, with a substitute, and recommended that the substitute be read; report adopted and the substitute placed on file for second reading.

H. F. No. 20, a bill in relation to the herding of stock, etc.; also substitute for C. F. No. 36, a bill amending sec. 139, chap. 2, title 4, of the code of civil procedure, making the salaries of court reporters employed by the Territory not to exceed \$2,000 per annum. This does not deprive them of fees when they are engaged by the Territory; read the second time and placed on file for third reading.

A communication was received from the House announcing the concurrence of that body in the substitute for H. F. No. 30, and that it had been sent to the enrollment committee.

Mr. Sharp moved that the rules be suspended and all bills pending their third reading be taken up.

H. F. No. 20, a bill regulating the herding and branding of stock, was taken up on its third reading and passed.

S. for C. F. No. 36, a bill amending the code of civil procedure was also read the third time and passed.

Mr. Grover reported from the committee on judiciary H. F. No. 45, a bill amending sec. 27, chap. 7, session laws of 1884, with two amendments, which were read, and the report adopted.

Mr. Grover also introduced C. F. No. 39, a bill to prevent the spread of contagious diseases among stock; read the first time by its title and ordered printed.

H. F. No. 45, was taken up on its third reading and passed; title approved and the House notified.

A communication from the House was read announcing the adoption of H. C. R. No. 23, providing for a committee to consider the Governor's veto messages, said committee to consist of five Representatives and three Councilors; concurred in and Messrs. Barton, Taylor and Hammond named by the President on the part of the Council.

The following messages were received from the House:

The first announced the passage of H. F. No. 62, a substitute for H. F. No. 5, H. F. No. 23, H. F. No. 38, and C. F. No. 12, C. F. No. 23, and C. F. No. 30, providing for a revision of the code of civil procedure. The bill was read the first and second times and referred to the committee on judiciary.

The second message announced the passage of substitute for H. F. No. 57, a bill apportioning the Legislative representation of the Territory of Utah; read the first, second and third times and passed on the call of the roll; title approved and House notified.

The third message announced the concurrence of the House in the Council amendments to H. F. No. 45, and the last message informed the Council that the House had adopted the report

of the committee on conference in relation to the amendments to the reform school bill.

At 4:30 the Council adjourned till 2 p. m. Thursday.

HOUSE—MARCH 8.

At 2 p. m. the House assembled as usual, and opened proceedings by the judiciary committee recommending that H. F. No. 40, the chastity bill, be put on its passage; adopted, and the matter referred to the committee on counties.

Reports from the committee on highways were for the effect that sundry appropriations for roads, etc., in several counties had been properly expended; the report was adopted.

Mr. Stratford, chairman of the committee on ways and means, reported the substitute bill for equalization, and recommended that it be put on its passage; agreed to.

The same committee recommended that \$750 be appropriated to help Kane County to meet their portion of the county debt which was created before that county was divided by a former session of the Legislature. After a long debate the report was adopted.

The penitentiary and reform school committee recommended that the convict bill be put on its passage; filed for its second reading.

The live stock committee recommended that a substitute for the bill, to meet the objections of the Governor, be put on its passage, but the report was subsequently withdrawn without action on it.

The bill incorporating Morgan City was filed for second reading.

The bill incorporating the city of Smithfield was amended and filed for third reading.

Mr. Clark reported an appropriation bill, which was read by its title the first and second time and filed for third reading. The appropriations are for general purposes.

The committee on elections reported a substitute bill for Legislative representation, which was read and filed for further action.

A bill to punish jail breakers was read and filed for second reading.

Mr. McLaughlin presented a bill in relation to the record of marriages, and one prohibiting probate judges from becoming members of the Legislature; both read and referred to appropriate committees.

A new bill for the protection of fish and game was read the first time and filed for second reading.

A bill to amend section 273 of the compiled laws of Utah, was read the first time and referred to the appropriate committee. The two last-named were presented by Mr. Thurber.

The House then resumed the consideration of the civil code bill.

Mr. West offered the following amendments to Section 18 of the printed bill.

"In all civil actions in the District Courts of this Territory, when a jury is to be had, the plaintiff or appellant, as the case may be, shall be required to deposit, as a jury fee, with the clerk of the court before the jury is empaneled, the sum of \$12, and in case the trial shall continue longer than one day the same party shall pay to the clerk at the opening of the court on each succeeding day, the like sum of \$12, and if the party so paying shall have judgment in his favor, he shall recover the amount so paid as costs from the opposing party in the action—Provided, further, that if at any time it appears to the satisfaction of the court or judges from the affidavit of the party or other evidence that he cannot pay the jury fee, such court or judge may direct that the trial be allowed to proceed without the payment thereof, but if such party prevail so as to be entitled to collect such fees as a disbursement of the adverse party when collected it shall be retained by the clerk as if paid in advance. At the close of the trial, if the jury fee has been paid the clerk shall pay to each juror the sum of \$1 per day, that he has been employed on, such case, and if said jury fee is recovered from the costs he shall pay the same to said jurors when so recovered."

Objections were offered to the amendments, but were subsequently withdrawn. The bill, after being further amended, passed by unanimous vote.

Mr. West offered the following resolution:

Resolved by this House, the Council concurring, that a committee to be composed of five members of the House and three of the Council, be appointed by the Speaker and the President, respectively, to whom shall be referred the several veto messages of his excellency, the Governor, with instructions to consider the same, and report on an early day, by resolution, or otherwise, as the committee may deem wise or expedient.

A motion to adopt carried, and the resolution was forwarded to the Council for its action.

The apportionment bill was taken up on its second reading, and, under the suspension of the rules, the bill was read the third time by its title, and passed by a vote of 17 to 2.

The House concurred in the Council amendments to the House bill, amending Sec. 7, Chapter 7, of the compiled laws of 1884.

Some miscellaneous matters were then disposed of, among which were a few amendments to the reform school bill, exempting the Governor and Auditor of Public Accounts as members of the Board, from giving bonds.

The House non-concurred in certain Council amendments, and concurred in others of the bill regulating the branding, herding, and taking care of stock, and punishing certain offenses concerning the same; the bill was then referred to the committee on live stock.

The Council notified the House that it concurred in the resolution offered by Mr. West in relation to the veto messages of the

Governor, and had appointed Councilors Barton, Taylor and Hammond as a committee on the part of that body. The Speaker appointed Messrs. West, Cannon, Thurman, King and Lund a committee for the House.

A message from the Governor was received by the House, vetoing the convict bill. About 40 bills from both Houses, all told, have been sent to the Governor for approval. The message, which was spread on the minutes, is as follows:

EXECUTIVE OFFICE, TERRITORY OF UTAH, Salt Lake City, Mar. 3, 1885.

To Hon. W. W. Ritter, Speaker of the House:

Sir—I herewith return H. F. No. 16 without my approval.

Under the present law, a convict entitled for good conduct to a reduction of the period of his sentence is released by the Warden, without a pardon. If the practice is the correct one under the present law, it will be good under this bill, and therefore it is unnecessary to furnish the Governor with the certificate.

A record of so important a matter as the diminution of the sentence of a convict should be kept.

The certificate should be forwarded by the Warden for record in the office of the Secretary of the Territory, and no objections appearing to the Governor, the convict should be released.

This bill, like the present statute, undertakes to curtail the power of the Executive in prescribing that the certificates of the Warden "shall entitle the convict" to a pardon and a restoration to citizenship, etc. Under the Organic Act the power of pardon is vested in the Executive, and therefore may not be abridged by Territorial statute.

A credit for good conduct not less than present law prescribes should be given. The object of the bill is a good one, and should become law.

I am, very respectfully, ELI H. MURRAY, Governor.

The objections of his excellency to the bill were referred to the committee on reform schools, with instructions to draft a new bill with a view to meeting the Governor's objections.

The bill amending the act incorporating Morgan City, as amended by the Council, with further amendments by the House, passed (under suspension of the rules) by a unanimous vote.

A bill amending an act providing for the establishment and support of district schools and other purposes, was next called up on its second reading by sections.

The House at 5 p. m., adjourned till 10 a. m. to-day.

MARCH 4.

The House assembled at 10 o'clock this morning and resumed business.

A bill amending an act for the establishment of district schools, was amended and passed to its third reading.

A bill amending Ogden City charter, giving the city power to prevent the importation of paupers and further power in regard to the punishment of sexual crimes, was, by a unanimous vote, passed.

The House then took up the appropriation bill, which was read in extenso by the chief clerk. Several items named in the bill were corrected, and others stricken out, and a motion to insert in it \$20,000 for the payment of jury service, etc., was lost. A motion to insert \$30,000 for the same purpose was also lost. A motion to insert \$500 to pay for building a bridge over a river in Uintah County, was carried, and was referred to the committee on highways, after which the bill passed by unanimous vote.

The bill for the removal of insane convicts to the insane asylum was called up, read and ordered printed pending its third reading.

The mining claims bill was read the second time by its title, and, under suspension of the rules, was read the third time and passed unanimously.

It authorizes the location or mining claims to the extent of 300 feet on each side of the middle of a vein instead of fifty feet, as under the former law.

The bill for amending an act for the protection of fish and game was read the second time and passed.

This bill makes it a misdemeanor to shoot ducks between the 1st of April and the 15th of September in each year; or to catch or kill any trout between the 15th day of March and the 1st day of July in each year.

At 12 o'clock the House took recess till 2 p. m.

COUNCIL—MARCH 4.

The President's gavel fell on the table at 2 p. m. sharp, and after the usual opening exercises the journal of Wednesday was read and approved.

Messages were received from the House announcing:

That Messrs. West, Cannon, Thurman, King and Lund had been appointed a committee to consider the Governor's veto messages.

That the Governor had forwarded to the House a communication conveying his veto to the bill to lessen the terms of imprisonment of convicts for good behavior.

That the House had passed the bill amending the act incorporating Morgan City, with amendments.

Mr. Francis moved that the amendments be not concurred in, and asked for a committee on conference; granted, Messrs. Francis and Grover being appointed said committee on the part of the Council.

Also that the following bills had been passed by the House of Representatives: H. F. No. 71, a bill pertaining to the location of mining claims; H. F. 74, a bill amending the fish and game act; H. F. No. 63, a bill amending the act

incorporating Ogden City, and H. F. No. 67, the general appropriation bill; referred to their respective committees.

Mr. Grover from the committee on judiciary reported back H. F. No. 62, a bill to revise the code of civil procedure with amendments; adopted and placed on file for third reading.

Mr. Francis, from the committee on claims and public accounts, reported favorably on the claims of the DESERET NEWS company for the printing of jurors' certificates, also for work done for the Constitutional Convention held in 1882, and recommended that the sums of \$52 and \$602.50 be placed in the general appropriation bill; adopted.

Mr. Heyborne presented C. F. No. 40, a bill to amend an act incorporating Cedar City, in Iron County, and asked that it be put upon its passage; read the first and second time by its title, and referred to the committee on municipal corporations and towns.

C. F. No. 39, a bill to prevent the spread of contagious diseases among stock, was read the second time by its title and placed on file for third reading.

Substitute for House file No. 5, No. 23 and No. 63, and for Council file, No. 12, No. 23 and No. 30, a bill revising the code of civil procedure, was read the third time and passed.

A communication was received from the House notifying the Council that Messrs. Baty, Farnsworth and Stewart had been appointed as the conference committee on the Morgan City charter on the part of the House.

The House also notified the Council that they had passed H. F. No. 69, a bill providing for the appointment of official reporters in the District Courts, and fixing their compensation; read the first and second times by its title and referred to the committee on judiciary.

Also that the House had passed the substitute for C. F. No. 3, a bill amending the act incorporating Smithfield City; read the first and second times by its title and referred to the committee on municipal corporations.

The bill to prevent bulls running at large during certain seasons of the year in Rich County was read the third time and passed.

C. F. No. 39, a bill to prevent the spread of contagious diseases among stock, was read the third time and passed, and the House ordered notified.

A communication from the House announced the passage of S. for H. F. No. 65, a bill amending chapter 19, session laws of 1884, read the first and second time by its title.

Mr. Grover, from the committee on judiciary, reported back the bill creating official reporters; read and placed on file.

Mr. Sharp, from the committee on fish and game, reported adversely on H. F. No. 74, a bill amending the fish and game act; report adopted and the bill rejected.

The following communication was received from his excellency, the Governor:

TERRITORY OF UTAH, EXECUTIVE OFFICE, Salt Lake City, March 3rd, 1885.

Hon. Elias A. Smith, President of the Council:

Sir—I herewith return C. F. No. 37 without my approval. Under this bill the most responsible parties can, under the cover and strength of territorial law, organize a corporation and carry on the business of banking without a dollar of capital, and even without personal liability upon the part of the incorporators or stockholders.

Congress having extended the power of the Territorial Legislature so as to include banking as a rightful subject of legislation, a carefully prepared chapter strongly guarded in all its provisions should take the place of this bill.

I am very respectfully, ELI H. MURRAY, Governor.

Mr. Sharp, from the committee on municipal corporations and towns, reported back H. F. No. 63, a bill to amend the act incorporating Ogden City, without amendments; report adopted, and the bill placed on file.

Mr. Francis, from the committee on claims and public accounts, reported favorably on the petition of M. Pratt and W. C. Spence for clerical services; report adopted and amounts ordered placed in the general appropriation bill.

Mr. Sharp presented a petition from S. S. Walker and others asking for an appropriation for fish distribution for public purposes, and recommended that it be referred to the committee on claims and public accounts without being read; adopted.

The bill providing for the appointment of court reporters was read the third time and passed.

A communication was received from the House, saying that they did not concur in the Council's amendments to the civil procedure act and asked for a committee on conference. Messrs. Sharp, Grover and Francis were appointed said committee on the part of the Council.

Substitute to H. F. No. 65, a bill amending chap. 10, session laws of 1884, was read the third time and passed.

H. F. No. 63, a bill amending the act incorporating Ogden City, was read the third time and passed.

At 4:40 p. m. the Council adjourned till 2 p. m. to-day, Friday.

AFTERNOON.

At 2 p. m. the House resumed business. The House bill, (a new one) prohibiting bulls from running at large was called up, and under suspension of the rules passed by unanimous vote.

The bill providing for the appointment and pay of official stenographic reporters in District Courts of this Territory, came up on its second reading, and under suspension of the rules passed by unanimous vote.

The substitute bill amending the Smithfield charter also passed.

The bill giving power to municipal corporations to impose taxes for water supply and punish for certain offenses passed. It amends chap. 10 of the laws of 1884, for these purposes.

House bill 42, in relation to bulls running at large, was killed by a vote of 13 to 4.

A bill was a short time since introduced into the House to render probate judges ineligible for election as legislators, and it came up this afternoon for further consideration and was assented to, the vote being 8 for and 10 against it. The members were not all present at the time the vote was taken, but had they been in their seats the measure would have been killed anyhow. It was introduced by Mr. McLaughlin, who argued that as the Government was divided into three departments, the Legislative, Judicial and Executive, those who make the laws ought not to be the interpreters of it. He was supported in his views by Messrs. Hatch and Creer, but was opposed by Mr. King.

A message from the Governor was forwarded from the Council for the information of the House, vetoing Council bill in relation to banking and other financial and incorporated institutions.

Miscellaneous business was next taken up. It included a recommendation from the library committee approving the librarian's report and asking that \$200 be appropriated to purchase statutes and reports of the Pacific Slope.

Mr. Clark sent up a communication from Mr. J. K. Gillespie, in which he asked that a joint resolution be passed authorizing the Territorial Auditor to pay him for jury services in 1882-3. Referred to the committee on claims and public accounts.

The House then adjourned till 2 p. m. to-day.

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