

ident, but time only can determine that.

Respectfully,
J. NOBLE.

UTAH LEGISLATURE.

COUNCIL.

Monday, Feb. 20, 1882, 2 p.m.

Council met pursuant to adjournment.

Roll called. Quorum present. Prayer by the chaplain.

Councilor Wells, of the committee on judiciary, reported back the petition and claims of J. R. Wilms, clerk of the Second District Court, for fees and money expended during the 1878-79-80-81, stating that they had examined into the validity of the claims and the liability of the Territory for the same, and that by the provisions in the Compiled Laws relating to the same charges for services in criminal cases, for venires, for reimbursement of money expended in furnishing records and dockets, and the liability of the Territory when defendants were not able to pay, are legitimate, if proper vouchers are produced for the same, but that the aim for fees for issuing certificates for jurors and for filing the same is not legitimate. Reported to the committee on claims.

Councilor Wells offered a concurrent resolution for the appointment of a special and select committee of seven from the Council and thirteen from the House to take into consideration the special legislation now being passed by Congress concerning the people of Utah, and the propriety of calling a convention consisting of double the number of representatives to which each district is now entitled, which convention shall be authorized to take steps for the forming and organizing a State government, and nominating certain State officers in accordance with the spirit of a republican government. Laid over for further consideration.

The bill for the collection of small debts was taken up, but was laid over on the consideration of an amendment to the bill.

The sergeant-at-arms reported that he had expended \$110, drawn in the order of the president of the Council, and asked for information of how much more would be required for postage stamps, etc., so that the amount could be placed in the appropriation bill.

Benediction by the chaplain. Council adjourned until Tuesday at 2 o'clock.

Tuesday, Feb. 21, 1882, 2 p.m.

Council met pursuant to adjournment.

Roll called. Quorum present. Prayer by the Chaplain.

Councilor Cluff, of the committee on roads, bridges, ferries and cautions, reported back the petition of Alvin Monteith and forty-seven others, citizens of Paradise, Wellsville and Hyrum, Cache County, praying for an appropriation of \$1,000 to assist in completing the construction of a wagon road from Paradise to Brigham City, Box Elder County, which will be a better and shorter route than the road now used. The committee recommended that the amount prayed for be appropriated conditional upon Cache County appropriating \$500 for the same purpose. Report adopted.

A message was received from the House of Representatives notifying the Council that C. F. 12, a bill in relation to mortgaging personal property, had been rejected by striking out the enacting clause; H. F. 45, a bill for the purchase of copies of the three volumes of Utah Reports, had been passed; also that the concurrent resolution for the appointment of a special committee to draft a memorial to Congress setting forth reasons why special legislation should not be enacted against Utah and calling a constitutional convention, had been adopted, the House committee appointed consisted of Messrs. Penrose, Farr, Jaques, Partridge, and Dalton.

This resolution was concurred in, and Councilors E. Snow, D. H. Wells and John T. Caine were appointed as such committee from the Council.

Another message was received from the House of Representatives, stating that H. F. 57, changing the name of Loritz Christensen and others of his family, had been passed.

Councilor Wells, of the committee on judiciary, reported back H. F. 26, providing for salaries of Probate judges in the several counties, stating that in the judgment of the committee, the present mode of

compensation by fees was preferable to the proposed legislation, and recommending that it do not pass. Recommendation adopted.

Councilor Wells reported back the resolution in relation to a constitutional convention, ordered printed, and to come up in its order.

C. F. 19, the bill providing means for the collection of small debts, passed its third reading.

H. F. 45, for the purchase and distribution of Utah Reports, was taken up, read and referred to the committee on judiciary.

The bill changing the name of Loritz Christensen and others to Brienholdt was read and referred to the committee on judiciary.

C. F. 16, the bill to restrain from running at large or the herding of sheep in the vicinity of settlements, was passed.

Councilor Wells introduced a lengthy communication from Zerubabel Snow respecting the revenue law, specially in relation to its workings with ex-Collector Golding and the suits arising thereunder, and asking for a settlement of his accounts by the Legislature; also the relation of Collector Crimmon with the present revenue law concerning certain delinquent taxes, which was read and referred to the committee on revenue, with instructions to report on the suggestions of Judge Snow.

Motion prevailed to adjourn over the anniversary of Washington's birthday.

Benediction by the Chaplain. Council adjourned to Thursday at 2 p.m.

HOUSE.

Monday, Feb. 20, 2 p.m.

After the usual preliminaries, the committee on agriculture, by Mr. Beel, reported unfavorably upon the passage of H. F. 47, to provide for stock districts and the rounding up of cattle. The report was accepted and the bill rejected.

The ways and means committee, by its chairman, Mr. Peery, reported a substitute bill for H. F. 32, to provide for a jury fund in civil cases. The substitute requires the payment of \$10 to a jury fund before the calling of a jury, and in case the trial occupies more than two days, the sum of \$10 per day is required. The bill was filed.

The claims committee reported, through Mr. Penrose, the chairman, their approval of the financial reports of Cache, Washington and Sanpete Counties.

Also, adversely upon the claims of J. E. Booth and Geo. M. Brown for relief for services rendered in the First District Court as assistants U. S. district attorneys.

The county reports were ordered to remain in the hands of the committee.

Mr. Booth asked why the claims were not allowed.

Mr. Penrose stated that there was no warrant in the law for the payment of such officers by the Territory. The committee had considered that when U. S. district attorneys require additional assistance the United States should employ the same and not the Territory.

Mr. Booth cited the former appropriation bills which included items of appropriation for similar services.

Mr. Penrose showed that the appropriations made were for services required by the Territory, not by the United States, and argued that it would not be politic to acknowledge by an appropriation that the Territory was responsible for such expenses. The claims were not allowed.

A Council message stated that a joint resolution had passed that body, appointing commissioners to locate a road in Piute and Sevier Counties. The document appoints Jesse W. Fox to act with two commissioners appointed from Piute and Sevier Counties in the locating of a feasible route for a wagon road from Marysvale, Piute County, to Joseph, Sevier County, and makes an appropriation of \$1,000, to be used in its construction, provided a similar sum is expended for that purpose by each of the counties named.

H. F. 32, (substitute) to provide for a jury fee in civil cases was read by title the first time and filed.

Mr. Penrose offered the following resolution, which was adopted and forwarded to the Council:

Resolved, That the Council concurring, that a special committee be appointed by the Speaker of the House and the President of the Council, to draft a memorial to Congress, setting forth reasons why special legislation should not be enacted against Utah, and the propriety of the appointment of a congressional com-

mittee to inquire into the affairs of this Territory, before action is taken on measures designed to introduce any form of Government subversive of republican institutions."

Mr. Thurman offered a substitute for the substitute jury fee bill, reported from the ways and means committee. Mr. Thurman's bill provides that until January 1, 1884, each juror serving on civil cases shall receive \$2 per day from the Territorial treasury; during his term of service, and a mileage of six cents per mile. Ten dollars per day after the first day occupied in hearing any civil action shall be paid to the clerk of the court, who shall transmit the same to the Territorial treasurer. The bill was made the special order for to-morrow.

The resolution appointing commissioners to locate a wagon road in Piute and Sevier Counties was read the first time and referred to the committee on highways.

The general file was taken up. Council bill 14, to incorporate Silver Reef City, was made the special order for Wednesday.

Council bill 23, in relation to dogs, was referred to the committee on agriculture.

Pending the consideration of Council bill 12, in relation to chattel mortgages, the enacting clause was struck out of the bill.

H. F. 52, appropriating \$15,000 to the D. A. & M. Society to erect exhibition buildings on Washington Square, was tabled until called for.

H. F. 45 (substitute), to purchase and distribute 100 copies of the third volume of Utah reports was read and passed—ayes, 17; noes, 3. The title was amended to read "A bill to provide for the purchase and distribution of copies of Utah reports."

H. F. 49, to amend section 19 of the revenue law, and H. F. 44, to amend the same law, were referred to the committee on ways and means for consideration.

H. F. 57, to change the names of Laurentz Christensen and sons, of Sanpete County, to Breinholt was read and passed—ayes 20. Title approved.

House bill 22, (substitute) to amend sections 509-18 and 519 of the compiled laws relating to irrigation, was read and re-committed.

H. F. 58, for the preservation of game and fish and the purity of the waters of Utah, was read and postponed until to-morrow.

The House was informed that Council bill 18, to incorporate the city of Nephi, had passed that body and was forwarded for the consideration of the House.

The enrollment committee, by Mr. Johnson, reported that the following bills had been correctly enrolled, and at 10 a.m. on the 17th were presented to the Governor:

H. F. 29, to change the boundaries of Tooele City; No. 7, to amend section 1 of chapter 21, of the laws of 1880; No. 35, to amend the charter of Spanish Fork City; No. 41, to change the boundaries of American Fork City; No. 40, to change the names of Mr. Stonehouse and family; and 43, to amend the city charter of Grantsville.

House adjourned till Tuesday 2 p.m. Benediction.

Tuesday, Feb. 21, 2 p.m.

After the usual preliminaries, petitions were presented.

By Mr. Booth, from R. C. Ferry and 45 others residents of Provo City, asking a change in the boundary lines of that city. Referred without being read.

By Mr. Francis, from Richard Fry, sub-treasurer of Morgan County, for services rendered in 1880-1. Referred.

By Mr. Dalton, from A. P. Snow and 121 others residents of Escalante, Iron County, asking for an appropriation of \$3,000 to construct a wagon road through to Arizona and Colorado via Potato Valley connecting directly with Arizona, New Mexico and Colorado. Referred.

By Mr. Perry, from J. G. Chambers and 93 others, asking for a repeal of the poll tax law in so far as it requires men over 45 years of age to pay such tax. The present law prescribes that all over 60 years are liable to poll tax, and therefore petitioners wish that other States be copied after in this regard. Referred.

By Mr. Johnson, from Oliver P. Mills and 106 others, asking for an appropriation to construct a wagon road in Sevier county. Referred without being read.

The committee on private corporations, by the chairman, Mr. Sharp, reported back H. F. 60, with amend-

ments, and H. F. 18 without, and recommended their passage. Accepted.

The irrigation committee, by Mr. Partridge, the chairman, reported back the bill to amend the irrigation law, with the necessary amendments, and recommended its passage. Adopted.

The ways and means committee, by the chairman, Mr. Peery, reported their disapproval of the bill providing for the issuing of duplicate warrants. The report was accepted and the bill H. F. 53 rejected.

The committee on municipal corporations and towns, by the chairman, Mr. Booth, reported favorably upon the petition of Joseph S. Tanner and others for a change in the boundaries of Payson city, and introduced a bill for that purpose, which was filed.

The claims committee, by the chairman, Mr. Penrose, concerning the unexpended balances to sundry closed accounts upon the auditor's books, reported their recommendations to place the said credits to other specified, unclosed accounts. The report was accepted and the various amounts transferred as recommended.

The judiciary, by Mr. Farr, the chairman, reported back with amendments the bill providing for county sealers of weights and measures, and recommended its passage as amended. Accepted.

Also upon H. F. 59, relating to county jails, reported that the committee had drafted a substitute which was then presented, read and filed for second reading.

A Council message announced the concurrence of that body in the resolution appointing a special committee to draft a memorial to Congress, and stated that Councilors Snow, Wells and Caine had been appointed on behalf of the Council.

The Speaker of the House announced that Messrs. Penrose, Farr, Jaques, Partridge and Dalton would act as the House portion of the joint committee.

Another message stated that the Council had rejected the bill, H. F. 26, to provide for the salaries of probate judges.

Bills were introduced by Mr. Jaques, to amend certain sections of the school law of 1880. Referred to the committee on education.

By Mr. Francis, to forbid the purchasing of warrants at a discount, by collectors or treasurers, under penalty of having the said warrants declared valueless. Referred.

By Mr. Jaques, to amend section 18, chapter 8, of the laws of 1878, concerning revenue. Referred.

H. F. 61, to change the boundaries of Payson City, was read the first time and filed.

H. F. 59, above reported, with amendments from the judiciary, relating to county jails, was read by its title and filed.

The special orders, the substitutes for the original jury fee bill, presented by the ways and means committee and by Mr. Thurman were considered. Mr. Thurman thought that as jurors lost their time as well in civil cases as in criminal, the Territory should remunerate them. Held it to be unconstitutional to tax litigants for that purpose.

Mr. Booth was in favor of the Territory paying each juror \$2 per day for service from the Territorial Treasury as provided by Mr. Thurman's substitute bill. The Territory come's their attendance, hence the Territory should remunerate them. Motions were made to recount, but were lost.

Mr. Farr thought that jurors should be employed by litigants as much as attorneys, etc., when compelled to leave their business to sit in arbitration upon matters foreign to them. Mr. Dusenberry thought that as jurors were a portion of the court, they should be paid from the territorial treasury the same as the judges.

Mr. Penrose was of opinion that if the Territory assumed the responsibility of the payment of juror fees in civil cases and other similar court and other expenses, the rate of taxation would need to be increased very soon. He read from the jury fee law of Idaho, which prescribes that litigants shall pay all jury fees in civil action.

Mr. Thurman's substitute was rejected. The substitute offered by the ways and means committee was retained and made the special order for Thursday.

On motion of Mr. Johnson, H. F. 18, incorporating villages, was taken from the table. Most of the numerous Council amendments were concurred in, and of those not concurred in the Council was notified. A Council message informed the

House that their bill No. 16, to restrain the running at large or herding of sheep within three miles of settlements and dairies, had passed.

Another message stated that C. F. 19, to provide for the collection of small debts, had passed. The bill was read by title and referred to the committee on manufactures and commerce.

C. F. 14, to incorporate Silver Reef City, was made the special order for Thursday.

The following were read the second time by title and placed on the general file:

H. F. 58, to amend section 504 of the Compiled Laws.

No. 59, to amend chapter 4 of title 3 of the Compiled Laws.

No. 31, to provide for county sealers of weights and measures.

No. 64, to amend section 18, chapters 8 of the laws on revenue.

No. 61, to change the boundaries of Payson City.

Third reading of bills:

H. F. 56, providing for the preservation of fish and game and the purity of the waters of Utah, was read and passed. Title slightly amended.

H. F. 22, to amend sections 509, 513, and 519 of the Compiled Laws, and section 5, chapter 22 of the laws of 1878, concerning irrigation companies was read and passed. Title approved.

Mr. Sharp presented a claim from Mr. James Jack, which, without being read, was referred to the claims committee.

In consonance with a previous motion made by Mr. Peery, the House adjourned until Thursday morning at 10.30 o'clock.

Benediction.

At Shawneetown the levee broke to-day and the city is inundated.

A very virulent type of black small-pox has broken out in Trebinie.

The Crystal Palace International Exposition opened in London on the 25th.

The bill for additional clerk hire for postoffices, passed the Senate. The amount appropriated is \$100,000.

The Russian steamer *Vielaben* sunk in a collision on the Black Sea, and it is said that all on board perished.

Ex-Senator Conkling declines to say anything on the question of accepting the Supreme Court judgeship.

At Grand Rapids, Putnam & Brooks' confectionary establishment burned. Loss, \$40,000; insurance \$16,000.

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