

## UTAH LEGISLATURE.

## COUNCIL.

Wednesday, Feb. 15, 2 p. m.

Council met pursuant to adjournment.

Roll call. Quorum present.

Prayer by the chaplain.

The bill C. F. 15, designating public holidays, was taken up, and the House amendment, inserting Feb. 22, was concurred in, and the bill so passed.

The public holidays designated are January 1, February 22, May 30, July 4 and 24, December 25, and all days set apart by the President of the United States and the Governor of the Territory as days of Thanksgiving.

The House notified the Council that the Council amendment to the bill amending the charter of Spanish Fork City had been concurred in.

The bill for changing the surname of Stonehouse to Stone was read and passed.

The bill amending the charter of Grantsville City, was taken up, read and passed.

The House notified the Council that the concurrent amendment to sec. 2383 had been adopted.

The House resolution that 2,500 copies of the report of the Territorial Superintendent of District Schools be printed was concurred in, with the exception that the Council required that five copies be given to the Governor and Secretary, and the members of the Legislature.

The bill in relation to dogs outside corporate limits was taken up and read.

Councilor Barton moved to strike out the provision exempting certain dogs from taxation.

Councilor Caine seconded the motion, because he felt sanguine that a large number of dog owners would shield themselves behind this exemption and designate their dogs as being used for herding stock and sheep, and was of the opinion that dogs should be taxed as well as horses.

Councilor Smoot said that shepherd's dogs should be exempt from taxation, for they are useful and entirely different from the class of dogs this bill was trying to legislate upon. He thought the Legislature perfectly competent to exempt these dogs and the sheep, too, from taxation, if they deemed it fit for the public good.

The vote was called on Councilor Barton's motion, and it resulting in a tie, the Chair declared the motion lost, but some of the members having abstained from voting, a full vote was called for, and the majority voted against the striking out.

After a little desultory discussion, the bill passed its third reading.

Councilor Wells, of the committee on judiciary, reported back the bill for the collection of small debts, with a request that it be printed. The Councilor said he was opposed to the bill, but wished it to be printed so that it could be laid before the members of the Council.

After prayer by the chaplain, the Council adjourned until 3 o'clock on Thursday.

Thursday, Feb. 16, 1882, 3 p. m.

Council met pursuant to adjournment.

Councilor Cluff, of the committee on roads, bridges, fences and canyons, reported favorably on the petitions of George H. Crosby, John Macfarlane, Marcus Funk and others, asking an appropriation of \$5,000 to repair the territorial road over the Black Ridge; also suggested that the committee on counties place the whole of that road covered by the petition under the supervision of Washington County.

Councilor Thatcher, of the committee on railroads, reported favorably on the bill for the consolidation and leasing of railroads.

Councilor Wells, of the committee on judiciary, reported back the Council bill to amend section 1780, with slight amendment.

Councilor Caine, of the committee on municipal corporations, reported back favorably H. F. 1, granting incorporated cities certain powers.

Councilor Thatcher offered a concurrent resolution memorializing Congress not to act hastily upon extreme measures against Utah, radical in intent, and which would be hurtful in application, but to appoint a commission of honorable men to come to Utah and fully investigate the affairs in this Territory, and every matter bearing upon the question at issue.

Adopted and sent to the House for their action.

Councilor E. Snow, of the com-

mittee on municipal corporations, reported back the bill to incorporate villages, with amendments.

The House bill, providing for consolidating and leasing railroads was then taken up and passed its second reading, with some amendments, and was sent to the House for concurrence in the amendments.

The Council bill to provide a means for the collection of small debts was taken up, read and passed its second reading.

A motion prevailed that the memorial to Congress be telegraphed tonight to our Delegate in Washington.

Benediction by the chaplain.

Council adjourned till 2 p. m. on Friday.

Friday, Feb. 17th, 1882, 2 p. m.

The Council met pursuant to adjournment.

Councilor Thurber presented a report from Emanuel Bagley, Territorial commissioner appointed to expend one-half of \$2,000, the amount appropriated to be expended on the Salina Canyon and Meadow Gulch wagon road, which stated that the amount appropriated had been expended and that it had been of great benefit to the settlers and travelers in that region.

Councilor Caine, of the memorial committee, reported that the memorial adopted yesterday was telegraphed to Hon. George Q. Cannon last evening.

The House bill to protect stock-drovers and ranchmen, was taken up and referred to the committee on agriculture.

The Council bill to amend section 1780, of the Compiled Laws passed its third reading. This bill provides for giving the person for whom judgment is found an abstract of the judgment in the justice's courts, and giving the form thereof, and, when recorded, shall be carried into effect in any county of the Territory.

The House bill granting to incorporated cities certain powers, was read the third time and passed.

The House bill providing for the incorporation of villages was read and passed.

Council adjourned until 10.30 a. m. Saturday.

Saturday, Feb. 18, 10.30 a. m.

Councilor Caine, from the committee on enrollment, reported that C. F. 4 and C. F. 15, had been enrolled and for ward to the governor for his approval.

Councilor Cluff, from the committee on roads, bridges and ferries, reported favorably on the petition of H. McCorkindale and other citizens of Piute and Sevier counties, asking for an appropriation for a wagon road from near Marysville to a point near Monroe.

The committee also reported a joint resolution that a territorial commissioner be appointed, to act with two other commissioners, one to be appointed from Piute County, and one from Sevier County to locate a road, appropriating \$1,000 from the Territorial treasury providing a like sum be jointly appropriated by these counties for the same purpose. The resolution was amended to read Monroe, Joseph, or an intermediate point, suggesting that the better place is at the junction of the road to Elsinore and Monroe on the road to Marysville. The resolution was amended by the insertion of the name of Jesse W. Fox as the Territorial Commissioner, and adopted.

A message was received from the House notifying the Council that H. F. 26, a bill relating to the salaries of probate judges, had been passed. Referred to the committee on judiciary.

C. F. 11, the liquor bill, was read as amended by the House and the 18 amendments adopted.

A message was received from the House stating that a concurrent resolution had been passed for the renting of four rooms on the second floor of the Hooper and Eldredge block for the use of the Auditor of Public Accounts, Territorial Treasurer, Surveyor General, Recorder of Marks and Brands, Sealer of Weights and Measures and Territorial Librarian.

C. F. 19, the bill providing means for the collection of small debts, was taken up, read, discussed, and laid on the table until Monday.

Benediction by Councilor Teasdale.

Council adjourned to 2 p. m. Monday.

## HOUSE.

Wednesday, Feb. 15, 2 p. m.

House met as per adjournment, Speaker Lyman occupying the chair.

A message from the Council stated that the following had passed that body and were forwarded for the consideration of the House: H. F. 7, to provide for fencing lots, orchards, and gathered crops, without amendment; H. F. 35, to amend the charter of Spanish Fork city, with amendments; H. F. 41, to change the boundaries of American Fork city.

The amendments to H. F. 35 were concurred in and the House passed the bills—ayes to each, 23.

Under rule 40 the consideration of Council bill 11 was resumed.

Mr. Smith's motion to strike out section 14 was discussed. The section provides that one-fourth of all profits arising from the licensing of the manufacture and sale of intoxicating liquors shall be deposited with the territorial Treasurer for special use of district schools.

Mr. Dusenberry favored the increasing of the school fund as it could be done without injury to large municipal corporations which had at present large revenues, Salt Lake City having an income of almost double that of the whole Territory.

Mr. Farr was in favor of education but thought the school fund at present sufficiently large to be consistent with the present circumstances. Cities which were pestered with the liquor business should have control of all their own revenue. The Territory had heavy loads to carry in the building of the University of Deseret, Insane Asylum, Reform School, Agricultural Hall and other needed enterprises.

Mr. Dalton deemed it most inconsistent to apply local taxation funds to the interests of other districts without recompense. If the Territory would assume the responsibility and annoyance of dealing with the liquor business instead of entrusting it to the municipal corporations, then it would be proper to divert such revenue to the general and public interest of inhabitants of all parts of the Territory.

Mr. Penrose was not in favor of using the taxes obtained in one portion of the Territory in the interests of another part having no direct connection. The necessary sanitary measures, the building of the canal to furnish the inhabitants of Salt Lake City with a needful amount of water, the extension of water works and other enterprises were draining the city treasury, a portion of its revenue was diverted at the last session for a special object, and any further diversion would cripple its finances. Under this bill it was unlikely that liquor would be sold except in two or three cities. It was unjust and impolitic to take part of the revenue derived from licenses in those places which would have the police expense to help school the children in remote places where no such expenses were incurred. If a part of the local revenue was to be used for school purposes, it ought to be expended in the city where it was derived as in Nebraska, the laws of which he quoted in support of his position. He would vote for striking out the section as it now stood.

Mr. Thurber favored the increase in the school fund interest. He considered members should not represent cities or counties only, but the whole Territory. He was opposed to raising revenue from the liquor traffic. Under this bill this city could collect more license money than at the time of the passage of the canal bill, and it now received more money from the Territory than any other place therein. The object should be the greatest good to the greatest number, not the benefit of one particular locality.

Mr. Atwood was in favor of an amendment to the section providing that the children of drunkards should receive the benefit of one-fourth of the revenue derived from licensing the liquor trade. Mr. Booth presented a schedule showing the per cent. of the territorial appropriations which he claimed had been expended in Salt Lake County: In 1872, 76 per cent.; in 1876, 78 per cent.; in 1880, 56 per cent. The income of Salt Lake City doubled that of the whole Territory. For liquor alone the city received \$22,500 a year. The revenue from other sources was great. Houses of ill-fame were pounced upon about once in three months, the inmates fined and then set at liberty; it looked to him like license. Upon the question of water mains, the city wanted about 79 miles more. The revenue of the city had been increased at the present session but still it was not large enough. If it was twice as large the city would Oliver Twist like want "more." But the private interests of one or

two municipal corporations had nothing to do with the present bill.

Mr. Jaques was opposed to the measure for its unrighteousness, its iniquity. It required somebody to be robbed, and someone to do the robbing probably against his will. Under color of this section the revenue of two or three municipalities was to be diverted from its proper uses and applied to the education of the children in portions of the Territory far removed from the place of obtaining the same, and for which such cities would receive no recompense whatever. Was opposed to the section, and in fact to the whole bill.

Mr. Smith, in concluding the debate, replied to the insinuations made that he was in favor of licensing rather than suppressing the liquor traffic in order to obtain a large revenue for the city. Denied the allegation also that he was legislating for one section, and was in favor of an entire prohibition of the manufacture and sale of spirituous, vinous or malt liquors, except for medicinal, mechanical, sacramental or other really necessary purposes. The enumeration just given of the yearly expenses of Salt Lake City, did not include them all by a great many thousand dollars. The city had heavy liabilities, more so than any city in the Territory. The school system was unjust in some particulars, but it would be more unjust to the inhabitants of this city if the revenue, which rightly belonged to the city were taken for Territorial purposes. He refuted the statement that the appropriations referred to were appropriations to Salt Lake City and County. Should the Territory assume the responsibility of dealing with the liquor nuisance instead of granting to each municipality the power to regulate it, and requiring them to do so, then it would be proper to divert the liquor revenue to public uses, but unless such be the case it is in no sense just.

The motion to strike out section 14 was put and lost.

The Council informed the House of the concurrence by that body in the resolution respecting the printing of 2,500 copies of the report of the Territorial superintendent of district schools, but had made an amendment in the manner of distribution. The amendment was concurred in. Also that H. F. 40, to change the surnames of Mr. Stonehouse and family had passed. Also that H. F. 43 had been amended. The amendment was concurred in. Also that C. F. 22 relating to dogs had passed.

House adjourned till Thursday 2 p. m. Benediction.

Thursday, Feb. 16, 2 p. m.

House met as per adjournment.

Rule 40 was suspended and Mr. Atwood permitted to introduce a bill to incorporate Park city, in Summit county. Referred to the committee on municipal corporations and towns.

Council file 11 was considered, being in the order of unfinished business. The bill provides for the licensing, sale and manufacture of intoxicating liquors. While discussing the diversion of one-fourth of the revenue derived from licenses under the bill, to the interest of district schools, Mr. Smith offered the following substituted for section 14, which was so earnestly debated upon yesterday: "Sec. 14. The county courts and city councils are hereby required to transfer and pay one-fourth of the total amount of all fines, forfeitures and licenses, collected by them under the provisions of this act, to the treasurer of their respective counties where such license was granted, and fines and forfeitures imposed, for the benefit of the district schools in such counties, to be disbursed only by the county treasurer upon warrants issued by the county superintendent of district schools for such county. County clerks and city recorders on or before the first day of November of each year, are hereby required to forward to the superintendents of district schools of their respective counties an annual statement of all moneys paid into the county treasury on account of fines, forfeitures and licenses as herein provided."

Mr. Booth moved to make all the liquor revenue apply in the same direction instead of but one-fourth, but the motion was lost.

Mr. Penrose moved an amendment to make such income apply to "general school purposes," for the reason that the regular school fund could only be used in the payment of teachers. Many other necessary expenses attended the conducting of a school which should be provided for, such as maps, charts, slates,

fuel, etc. The amendment was adopted.

Mr. Preston moved to strike out sections 7, 8 and 9 which made liquor dealers liable for damages upon their bonds to the wife and family of habitual drunkards, in case the dealer disposed of too much liquor to such persons. The mover thought it unjust to make a man liable for the acts of a drunkard.

Mr. Penrose said these sections were for the express purpose of prohibiting the sale of liquor to habitual drunkards and should be retained. The motion to strike out was lost.

Mr. Booth moved to strike out section 10, prescribing that no suit for liquor bills when sold in less quantities than five gallons at one time, shall be maintained in any court in the Territory. The motion, however, was lost.

After several other amendments had been made to the bill, it passed—ayes 18; nays 5. Title approved.

The Council notified the House of their adoption of a concurrent resolution memorializing Congress against hasty and unjust legislation in regard to Utah. The House concurred.

Benediction.

Adjourned till 10.30 a. m. on Friday.

Friday, February 17th, 10 a. m.

The Journal was read and approved.

The Council notified the House of their passage of H. F. 34, to authorize the consolidation of railroad companies and the leasing of railroad, with amendments. The bill was tabled for the present.

The special order of the 14th, establishing the salaries of probate judges in the several counties, was considered.

On motion of Mr. Hatch, the salary of the probate judge of Wasatch County was placed at a maximum sum of \$100 per annum.

Mr. Penrose moved an amendment to prescribe a minimum as well as a maximum amount of the salary for such judges. The motion was lost.

Mr. Francis moved that the probate judge of Morgan County receive a sum not in excess of \$200. Carried.

Mr. Preston moved to strike out the enacting clause of the bill. The motion was lost.

Upon a motion to increase the salary of the probate judge of Salt Lake County to a maximum sum of \$3,000, a debate ensued.

Mr. Farr considered \$2,000 per annum sufficient.

Mr. Penrose was in favor of increasing it to a respectable figure. Many clerks and cashiers, as well as the city recorder, received over \$2,000 per annum, and the bill prevented the judge from receiving any other remuneration.

Several motions were made to place the salary at various sums between \$2,000 and \$3,000 resulting in no definite change.

Recess till 2 p. m.

2 p. m.

The consideration of the special order was resumed.

Mr. Smith moved that each probate judge in the Territory receive a salary not to exceed \$3,000 per annum.

The motion after a little further discussion was lost. The bill amended was passed as follows—ayes 18:

"Sec. 1.—That from and after the first day of June, 1882, the probate judges of the several counties of this Territory shall receive respectively an annual salary, to be paid quarterly from the county treasury, an amount as designated by the selection of their respective counties, a sum not to exceed as follows: In the county of Salt Lake, \$2,000; in the counties of Utah and Weber, \$1,000; in Box Elder, Cache and Sanpete, \$700; in Washington, \$500; in Iron, Millard, Davis, Juab, Kane, Beaver, Sevier and Tooele, \$400; in Summit, \$300; in Morgan and Rich, \$200; in Emery, Piute, San Juan, Wasatch and Uintah, \$100."

Sec. 2.—None of the said probate judges shall receive any other compensation whatever for any duties that are now, or may hereafter be, required of them by law, than such as is fixed by this act.

Sec. 3.—All acts and parts of acts in conflict with provisions of this act are hereby repealed."

The title was amended to read "A bill in relation to the salaries of probate judges."

Mr. Booth presented a petition from Daniel Graves and others of the Utah County Silk Association asking assistance in the silk enterprise. Referred.