

UTAH LEGISLATURE.

COUNCIL.

Monday, Jan. 28, 1880,
3 p. m.

The motion to refer the bill ending the city charter, once to the committee on municipal corporations, etc., met some objections, but it was finally decided by vote that the bill should be so re-committed.

The bill relating to "Guardian Ward," was taken up, read the second time and re-committed to judiciary committee.

Council adjourned till Tuesday, m.

Tuesday, January 27th, 1880.

After the usual preliminaries, a message was received from the Acting Governor, stating that he had moved and filed with the Secretary of the Territory the following:

C. F. No. 2.) An act to change name of Hans Jorgen Christensen to Hans Jorgen Rasmusen.

C. F. No. 4.) An act to change names of Charles Angell Henderson to Charles Angell Henry W.

A communication from Hon. Jennings, acknowledging the letter of the Council in tendering him the freedom of its chamber received and read.

Councilor Wells submitted (C. F. No. 3), An Act to authorize the cities of Salt Lake, Davis, Tooele, Summit, and Wasatch, in the Territory of Utah, to subscribe to the capital stock of the Utah Eastern Road Company, and recommended its reference to the committee on printing, with instructions to have 75 copies printed for use of the Assembly. The bill was read the first time, and on motion of Councilor Harrington, passed its first reading and was referred to committee on printing.

Councilor Fotheringham presented petition from Wm. J. Cox and twenty-seven others, residents of Rich County, asking that the salaries of that county be extended, which was read, and on motion of Councilor Fotheringham referred to the committee on judiciary.

A communication was received from the House stating that the bill had been notified that H. F. No. 1, "An Act to prescribe fees for the Secretary of Utah Territory," was on the list, approved by his Excellency the Acting Governor.

Councilor Caine submitted a report from the Deseret Agricultural Manufacturing Society, and recommended its reference to the committee on agriculture, trade and manufactures. Read and so referred.

The bill to amend the City Charter, as reported back, by a majority of the committee with recommendations for an amendment, relating to the corporation to borrow \$100,000, either by issuing bonds or otherwise, providing the citizens vote in favor thereof. The bill of the minority of the committee, Councilors Smith and Fotheringham, dissented to the recommendations. Reports received and bill put upon the table.

A petition in reference to the bridge over the Rio Virgin was read upon, with a recommendation that \$1,000 be made an item of appropriation bill, to aid in the erection of said bridge. Report referred to committee on claims, with instructions to make that appropriation an item of the bill.

The bill was then moved by Councilor Caine, that the bill amending the City Charter be taken up, and that report of the majority of the committee thereon be not concurred in.

A lively discussion was then initiated on the subject of issuing bonds to enable the City to raise money for the building of the bridge, and as to whether the bonds, when issued, should be taxable or not. It was finally decided to have a full and free discussion of the subject should be entered into, during which the Council adjourned till Wednesday, at 2 p. m.

After the usual preliminaries, Councilor Snow presented a report from the committee on counties, No. 7, "A bill for the organization of San Juan County;" read back with the first section deleted, altering its boundaries, attaching it to the 2nd Judicial District, also with slight

amendments in section 2, and recommended its passage as amended. On motion of Councilor Cluff the report was accepted.

Councilor Thurber reported that C. F. No. 13, "An act to authorize the counties of Salt Lake, Davis, Tooele, Summit and Wasatch to subscribe to the capital stock of the Utah Eastern Railway, had been printed in accordance with the instructions of the Council, and, on motion of Councilor Cluff, the bill was referred to the committee on revenue.

Councilor Thurber submitted the following:

Mr. President:

Your committee on irrigation ask leave to report a bill for an Act defining, recognizing and acknowledging vested and accrued rights to the use of water, and providing for regulating the exercise of such rights, and ask that it be printed.

A. K. THURBER,
Chairman.

Councilor Caine presented a report from the committee on general incorporations, C. F. No. 11, An act to authorize corporations to change the number of their directors or trustees; they offered some amendments and recommended that the bill, as amended, be placed upon its passage.

On motion of Councilor Wells, the report was received and the recommendations of the committee were adopted.

Councilor Harrington, chairman of the committee on judiciary, reported back (C. F. No. 12), "A bill for an act to legalize the execution and acknowledgment of certain deeds" and recommended that it be put upon its passage.

Councilor Snow presented (C. F. No. 15), "A bill for an act to amend an act to regulate proceedings in civil cases in the courts of justice of this Territory, and to repeal certain acts and parts of acts, etc., and recommended its reference to the committee on judiciary. The bill was read the first time, and on motion of Councilor Snow, passed its first reading and was referred to the committee on judiciary.

The second reading of (C. F. No. 7) "To amend the Charter of Salt Lake City" was resumed.

The question of the proposed amendment to the City Charter again coming up, the motion was renewed that the Council do not concur in the report of the majority of the committee, regarding the privilege to be granted the City of borrowing \$250,000 providing the people sustain such action by vote. The motion being before the house, Councilor Caine made an able and extended speech in support of his position, advocating the passage of the original bill empowering the city to issue bonds that should be exempt from taxation, and depreciating the proposed taxation of those bonds. Following is an extract of the speech:

"It is well understood that if these bonds are taxed it will drive them out of the Territory, and then they will be beyond your reach to tax. But if you exempt them, our people will invest their savings in them; the interest derived will be invested in our midst, and that will go to swell the revenues of the Territory and the County, and both will be benefited in the end.

Salt Lake City needs water; water she must have, or her growth and prosperity are determined. What she asks is no great favor. Granting it will not affect the revenues of the Territory very seriously, either one way or the other.

In conclusion, I ask the gentlemen of this Council to deal generously and magnanimously with this question. Let the corporation of Salt Lake City issue a 7 per cent. bond, free from taxation, and so conduce to the general growth and prosperity of the chief city of Utah. I think such an act will redound to their credit, and afford them pleasing reflections when they return to their homes and firesides. But, gentlemen, never let it be said of you, that when Salt Lake City asked for bread you gave her a stone, when her children cried for water you increased their taxes."

The motion before the Council was then put and lost, and the bill and report referred to were given to the committee on revenue.

The bill to extend the boundaries of Davis County, so as to include Antelope Island and a portion of the waters of the Lake, was read by sections and discussed at some length, and an amendment proposed to the effect that a portion of

Salt Lake City, now lying in Davis County, revert to Salt Lake County, at the same time as the other proposed changes should be made. The bill was then recommitted for further consideration.

A bill to incorporate Park City, Summit County, was read, with an accompanying petition, and referred to the appropriate committee.

The bill to organize San Juan County passed its second reading, its amendments being adopted.

A House message announcing the passage of the bill amending an act providing for special elections and filling of vacancies, was read the first time and referred to the committee on elections.

The bill for an act legalizing executions and acknowledgments of certain deeds, passed its second reading.

Council adjourned till Thursday at 2 p. m.

January 29th, 1880.

After the usual preliminaries, Councilor Harrington, chairman of the committee on judiciary, reported back C. F. No. 1, "A Bill in relation to guardian and ward," and, with some slight amendment, recommended its passage.

C. F. No. 11, "An Act to authorize corporations to change the number of their directors, trustees or officers, and amending section 532 of the Compiled Laws of Utah," was taken up, read the second time, and, on motion of Councilor Caine, passed its second reading.

On motion of Councilor Caine the rules were suspended and the bill was read the third time, and passed its third reading. The title was then read and approved, and the bill so passed and was ordered engrossed and sent to the House for its action.

(C. F. No. 12) "A bill for an act to legalize the execution and acknowledgments of certain deeds," was taken up, read the third time, and

On motion of Councilor Thurber passed its third reading. The title was then read and approved and the bill so passed and was ordered engrossed and sent to the House for its action.

C. F. No. 1 A bill in relation to Guardian and Ward, was taken up, read the second time, and amended, in accordance with the recommendations of the committee on judiciary.

Proceedings in progress.

HOUSE.

Monday, Jan. 26, 1880, 3 p. m.

A substitute for the bill defining the boundaries of Rich County, was accepted. The bill was laid upon the table.

A report of the commissioners to locate university lands was presented, read and referred to the committee on public domains.

Two separate bills to amend an act providing Territorial revenue, were read and referred to the committee on revenue.

A petition from 383 ladies of Beaver County, praying for the removal of the political disabilities of their sex, was presented, read and referred to the committee on judiciary.

A motion was put and carried, that the bill amending the act on general incorporations be taken from the table and referred to the committee on judiciary.

The financial report of Sanpete County for 1878-79, was presented. House adjourned till Tuesday 2 p. m.

Tuesday, Jan. 27 1880.

A letter acknowledging and accepting the freedom of the House was received from Hon. Wm. Jennings.

A message from the Acting Governor, announcing the approval of H. F. No. 15, "An act prescribing fees for the Secretary of Utah," was received and read.

Mr. Snell presented a communication from Peter Madsen & Sons, on fish, and moved its reference to the committee on fish and game. Carried.

On motion of Mr. McKinnon, H. F. No. 33, relating to the boundaries of Rich County, was taken up on its second reading by sections.

The bill for the changing of the boundary line between Rich and Summit Counties occasioned considerable debate, which occupied a good portion of the afternoon.

Mr. McKinnon proposed an amendment to the bill, which made it the same as a previous bill, on the same subject, which had been

rejected by the Governor, after passing both houses of a former legislature.

It was also stated that the map was incorrect on which the proposed changes were to be made.

A motion to recommit the bill was put and lost, and Mr. McKinnon's amendment, after some debate, was put and carried.

A communication from the Council announced that the Acting Governor had approved the bills changing the names of Hans Jorgen Christensen and Charles Angel Hendrickson, as these persons had desired.

The bill regarding the boundary line between Rich and Summit Counties was again brought up and a motion made that it pass by its title. The motion to pass the bill, after some decided expressions against it, was put and lost.

The committee on enrollment announced that the bill to empower railroads to deed and mortgage franchises, etc., had been presented to the Governor for his approval.

The account of the treasurer of Iron County, for services rendered the Territory as deputy territorial treasurer, was presented and referred to committee on claims, etc.

A bill providing for the equalization of taxes on transitory herds of stock was presented, read and referred to committee on revenue.

A motion was put and carried that the committee on appropriation consider the matter of putting upon the appropriation bill \$3,000, for the opening of a road from Escalante across the Colorado River. A letter upon the same subject was referred also.

A petition was read from 69 citizens of Lehi, asking that the corporate limits of that city be contracted. Referred.

A bill to amend section 1434, Compiled Laws, providing for the issuance of writs of execution within five years after judgment has been rendered, was presented, read and referred to the committee on judiciary.

Wednesday, Jan. 28, 1880.

Mr. Johnson presented petition of H. S. Eldredge and 39 others, merchants of the Territory, asking for a law licensing commercial travelers, drummers, etc., which was read and referred to the committee on agriculture.

Mr. Johnson presented H. F. No. 40. "A Bill licensing commercial travelers, drummers, etc.," which was read the first time and referred to the committee on agriculture.

Mr. Smith, chairman of agriculture, reported back H. F. No. 23, "A bill amending section 415 of the Compiled Laws," without amendment, and a substitute bill for H. F. No. 25, "A bill relating to pound-keepers."

H. F. No. 23 was then read the second and third times, and, on motion of Mr. Lyman was recommitted to the committee on agriculture with instructions.

A petition from 134 citizens of Ashley's Fork, Wasatch County, praying for the forming of a new county to be called Coal County, with the county seat at Ashley, was read and referred. The chief reason assigned for the desired change was that Ashley was so far removed from the county seat of Wasatch, and the roads between almost impassable two-thirds of the year.

A communication from the Auditor of Public Accounts asking for instructions regarding certain remittances asked from him by certain counties, was referred to the committee on revenue.

The bill providing for special elections and filling of vacancies was reported back without amendment, by the committee, and after some discussion and a slight amendment, passed the House.

The reconsideration of the Rich County boundary bill, which was lost on Tuesday, was moved and carried; and the bill was referred to the committee on judiciary.

A bill rewarding convicts and commuting their sentences, for good behavior, was presented, read and referred to the committee on judiciary.

A bill in relation to chattel mortgages was read and referred to the same committee.

House adjourned till Thursday, at 2 p. m.

Thursday, Jan. 29, 1880.

Mr. Snow presented petition of M. D. Rosenbaum, ex-Collector, Box Elder County, asking for an appropriation of \$1,246.74, remittance of certain taxes, also a statement by the county officers of said County, testifying to the diligence

of Mr. Rosenbaum in his endeavor to collect delinquent taxes, etc. Referred to the committee on claims, etc.

Mr. Lyman presented two letters addressed to Hon. A. L. Thomas, Secretary of the Territory, from the U. S. Comptroller of the Treasury, in relation to the reduced membership of the Territorial Legislature, and the per diem of members and officers, which were read.

Mr. Penrose offered the following:

Mr. Speaker—

I move, the Council concurring, the adoption of the following joint resolution:

Whereas, the Comptroller of the Treasury at Washington, D. C., has, by what we consider an inconsistent construction of the Act of Congress, relating to the legislative expenses of the Territories, ordered the Secretary of Utah to reduce the per diem of the members and officers of this Legislative Assembly; therefore, be it

Resolved, that we regard this action of the Comptroller as unjust and contrary to the provisions of the law; and that a Memorial be prepared—by a committee of both Houses consisting of three members appointed by the President of the Council and four members to the Speaker of the House—to be transmitted without delay by the Congress of the United States, asking that this ruling of the Comptroller be set aside, and that if necessary an appropriation be made to make up a sufficient amount to cover the usual legislative expenses of this Territory.

CHAS. W. PENROSE.

The Speaker appointed Messrs. Penrose, Carrington, Lyman and Smith said committee on the part of the House.

Mr. Peery presented H. F. No. 43, "A bill relating to proceedings of Probate Courts," which was read the first time and referred to the committee on judiciary.

Mr. Grover, chairman of the committee on roads, etc., reported back H. F. No. 27, with amendments, recommending its passage. Also House files No. 14, 31 and 32, recommending that they do not pass. Proceedings in progress.

NOTICE.

NOTICE is hereby given that a mass meeting of the citizens of Henneferville Irrigating District, Summit County, U. T., will be held in Henneferville School-house, on the 14th day of February, A. D., 1880, for the purpose of forming an Irrigating Company and electing officers, and any other business pertaining to irrigation that may come before said meeting.

ROBERT SALMON,
County Clerk.

Coalville City, Jan. 14th, 1880. w3

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