

[PUBLISHED BY AUTHORITY.]

MINUTES

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH.

TWENTY-FIRST SESSION, 1874.

HOUSE.

REPRESENTATIVES' HALL,

February 27, 1874.

House met pursuant to adjournment.

(C. F. 25), "An Act to amend An Act providing for Incorporating Associations for Mining, &c.," was read the first time.

(C. F. 29), "An Act to amend An Act entitled An Act providing for the Incorporation of Railroad Companies, &c.," was read the first time.

The following was received and read:

Mr. Rockwood, Chairman of Committee on Agriculture, Trade and Manufactures, to whom was referred the Piscatorial part of report of D. A. & M. S. for 1872-3. The petition of W. B. Gibbons, and 112 others, praying for suspension of any Act or Acts on Fisheries, so far as applies to Rich County, and H. F. 29, being an act providing for the preservation of small birds; also petition of John Murray, Sen., and Samuel Peterson praying for the lawful protection of fish; all of which have been under consideration; and as the result of our labors beg leave to present the accompanying bill and recommend its passage.

Said substitute bill (H. F. 51), "An Act for the Protection of Fowl and Fish, and for other purposes," was read the first time.

(C. F. 36), "An Act creating a Board of Managers for the Territory of Utah, to Co-operate with the National Centennial Exhibition to be held in the City of Philadelphia in 1876," was passed.

The following was received and read:

Mr. S. A. Mann, of the Committee on Judiciary, to whom was referred H. F. No. 38, entitled "An Act to regulate the manufacture, sale or other disposal of intoxicating liquors," would respectfully report that they have examined said bill and have thought best to prepare a substitute therefor which contains all the provisions of the original bill which your committee deemed advisable, together with other provisions in relation to the adulteration of spirituous and fermented liquors.

Said substitute bill (H. F. 33), entitled "an Act to regulate the manufacture, sale or other disposal of intoxicating liquors," was passed.

House met at 2 p. m.

The report of the committee on (C. F. 20), "An Act in relation to the Money of Account and Interest," was taken up and the bill rejected.

Mr. Jos. E. Smith, Chairman of Committee on Municipal Corporations &c., to whom was referred the petition of W. B. Preston and 55 others, praying for a change of the boundary lines of Logan City, respectfully reported the accompanying bill providing for such change, and recommended its passage.

Said bill (H. F. 53), "An act changing the boundary lines of Logan City" was passed.

The following message from the Council was received and read—

The following motion has passed the Council—

Councilor Stayer moved, the House concurring, that the Committee of both Houses, on Petitions and Memorials, be instructed to report to-morrow a memorial to Congress, asking for the admission of Utah into the Union as a State. Do you concur?

On motion of Mr. Pace the House concurred.

The following was received and read:

Mr. Wright, Chairman of Committee on Private Incorporations, to whom was referred (C. F. 9), "An act to provide for the formation of corporations for public libraries, and literary and scientific institutions,"

Having duly considered said act, reported back the same, amended in the title only, as follows: "An act to provide for the formation of corporations for public libraries, literary, scientific and benevolent institutions," and with the adoption of said amendment, recommended its passage.

Said bill, (C. F. 9), "An Act to provide for the formation of corporations for public libraries, &c.," was read and recommitted with C. F. No. 25, to the Committee on Private Incorporations.

The following was received and read:

Mr. S. S. Smith, Chairman of Committee on Claims and Appropriations, to whom was referred the motion of Mr. Thurber, relating to the deficiency reported by the Auditor of Public Accounts, have considered the subject, and recommend that the sum of \$21,658 83c. be appropriated to enable the auditor to close the accounts for the years 1872-3, and that the Committee on Claims and Appropriations be instructed to incorporate that

amount in the Appropriation Bill, being the amount used for expenses of Territorial prisoners and Warden's services, and for expenses of United States Courts and for Marshal's office in excess of appropriation of 1872, also for services of Territorial officers, including Attorney General, Superintendent of Common Schools, Superintendent of Meteorological Observatory, Auditor, Treasurer, and Librarian.

Report adopted.

On motion of Mr. Thurber the report of the committee was adopted.

The following was received and read:

Mr. Pace, Chairman of Committee on Penitentiary, to whom was referred that portion of the Governor's Message, "Relating to Penitentiary," stated that the Committee have had the matter under consideration, and respectfully ask leave to report the accompanying bill, and recommend its passage.

Said accompanying bill (H. F. 54), entitled "An Act providing for the location and erection of a penitentiary," was passed.

Mr. Roundy presented a petition of Mr. A. R. Whitehead and seventy-six others, praying for an enabling act for Washington City corporation, which was read and referred to the Committee on Municipal Corporations, &c.

The following was received and read:

Mr. Thurber chairman of Committee on Revenue respectfully report that they have considered the "Auditor's Report of Delinquent Taxes," also the petition of the selectmen of Rich County, and recommend the passage of the accompanying relief bill:

Said bill for "An Act remitting certain taxes," was passed.

Mr. Taylor presented the report of the Superintendent of Schools for Utah Territory, which was read and 300 copies ordered printed and inserted in the pamphlet containing the Territorial officers' reports.

House met 7 p. m.

The following was received and read:

Mr. Mann, Chairman of Committee on Elections, to whom was referred the petition of S. J. Comfort and twelve others, asking for an additional notary public for Juab County, respectfully reported that they had examined said petition and recommended that the prayer of said petition be granted.

Your Committee would respectfully call your attention to the fact that they had already recommended the election of two additional notaries for said county.

Report of the committee was adopted and the Petition laid on the table to come up in joint session.

Mr. Roundy presented Financial Report of Washington county, which was referred to the Committee on Revenue and ordered printed.

(H. F. 50), a bill for "An Act for the relief of certain persons named therein, and for other purposes," was passed.

(C. F. 30), a bill for "An Act to provide for a general lien for common carriers, and for the sale of property not delivered" was amended and passed.

(C. F. 39), "An Act specifying when acts and resolutions shall be in force," was laid on the table.

(C. F. 11), "An Act to regulate Fees and Compensation for Official and other Services in the Territory of Utah" was amended and referred to the Committee on Judiciary.

(H. F. 51), "An Act for the Protection of Fowl and Fish, and for other purposes," was read, amended and passed.

House adjourned till 10 a. m. to-morrow.

COUNCIL.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,
SALT LAKE CITY,

February 18th, 1874.

Council met pursuant to adjournment.

Councilor Gates, Chairman of the Special Committee to whom was referred (C. F. 41), "An act in relation to insane persons," reported the same back, and recommended its passage. Accepted.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred (C. F. 32), "An act amending an Act in relation to marshals and attorneys, approved Jan. 21, 1859," reported the same back amended.

(C. F. 30), "An act to provide a general lien for common carriers, &c.," was read as amended by the House and concurred in.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred (C. F. 5), "An act concerning conveyances," reported the same back, and recommended non-concurrence in House amendments.

The Council non-concurred and asked for a Committee of Conference. The President appointed Councilors Caine, Young and Jennings said committee.

C. F. 33, "An Act to amend an act entitled an act amending the charters of incorporated cities passed.

Councilor Harrington moved that the sum of one thousand dollars be placed in the territorial appropriation bill on account of services of the President of the Deseret Agricultural and Manufacturing Society. Seconded and carried.

H. F. 45, "An Act defining the boundaries of counties," was taken up and a Committee of Conference, consisting of the members from Utah and Sanpete counties, was appointed to confer with a like committee from the House on the subject, the House concurring.

H. F. 47, "An Act to amend an act entitled an act incorporating Salt Lake City," was passed.

Councilor Caine, from the Conference Committee, to whom was referred C. F. 12, "An Act providing damages for death caused by wrongful act, neglect or default," reported that the committee had fully considered the matter, and had agreed upon certain amendments, and recommended that the bill pass as amended. Passed.

H. F. 37, "A bill for an act amending an act regulating elections," was recommitted to the Committee on Elections.

H. F. 53, "An Act changing the boundary lines of Logan City," was passed.

A communication was received from the House announcing the appointment of Messrs. Farr, Richards and Taylor a Committee of Conference on the part of the House on C. F. 5, "An Act concerning conveyances."

2 P. M.

Council resumed its session.

Councilor Young, Chairman of Conference Committee, made the following report:

Your committee of Conference, to whom was referred Section 9 of an Act entitled "An act defining the boundaries of counties and locating county seats," have agreed upon the following amendments—strike out all after the word "by" in the fourth line, and insert "the line between Townships eleven and twelve south, and east by Colorado Territory, is hereby made and named Sanpete County, with County Seat at Manti City."

The report was received and the amendments adopted.

Councilor Woodruff moved that the sum of \$150.00 be placed on the appropriation bill to pay a part of his travelling expenses to A. P. Rockwood, as the Warden of the Penitentiary and Superintendent of the Fish Association, while upon his journey east during the year 1873; seconded and carried.

Councilor Callister moved that the Committee on Claims and Appropriations be instructed to consider the propriety of appropriating the sum of five hundred dollars to assist in repairing the Territorial road in Round Valley, south of Scipio in Millard County; seconded by Councilor Smoot and carried.

H. F. 45, "An Act defining the boundaries of counties &c.," was passed.

Councilor Woodruff, Chairman of the Committee on Claims and Appropriations, to whom was referred the communications of Mayor Wells concerning the Insane Asylum, also the resolution to appropriate money to reimburse the inhabitants of Sevier County for making road called Clear Creek Road, and the propriety of appropriating \$1,000 for the purpose of improving the Territorial road south of the Provo River Bridge, &c., reported as follows, recommending that the sum of \$4,000 be appropriated to the insane asylum, the sum of \$2,000 to be drawn in 1874 and \$2,000 in 1875, on the order of D. H. Wells, Mayor of Salt Lake City, upon approved vouchers, and that the sum of \$5,000 be appropriated (to be drawn by the County Court of Sevier County, provided that Sevier County will appropriate a sufficient amount to make said road a free road and keep the same in repair. And with regard to the Territorial Road at Provo, recommend the appropriation of \$1,000 to be drawn by A. O. Smoot, Mayor of Provo City, on approved vouchers.

The report was accepted and the recommendations adopted.

(H. F. 51), "An Act for the Protection of Fowl and Fish, and for other purposes," was amended and passed.

(H. F. 55), "An Act remitting certain taxes," was referred to the Committee on Revenue.

(C. F. 41), "An Act in relation to insane persons," was passed.

Councilor Young moved that the Committee on Petitions and Memorials be instructed to report a memorial asking Congress to extend by law the biennial sessions of the Legislative Assembly of Utah Territory. Seconded and carried.

Councilor Woodruff, Chairman of the Committee on Claims and Appropriations, to whom was referred the resolution instructing the committee to consider the propriety of appropriating the sum of \$500.00 to assist in repairing the Territorial road in Round Valley, reported favorably to the same, and recommended that said sum be expended under the direction and drawn by Daniel Thompson, one of the selectmen of Millard County.

The report was accepted and the recommendations adopted.

(H. F. 50), "An act for the relief of certain persons named therein," passed.

Councilor Smith moved that the Committee on Petitions and Memorials be instructed to memorialize Congress to change the Organic Act of the Territory of Utah, where the Governor is allowed the absolute veto power upon the acts passed by the Legislature, &c. Seconded and carried.

(H. F. 54), "An act providing for the location and erection of a Penitentiary," was passed.

Communications were received from his Excellency the Governor, nominating Henry W. Lawrence to the office of Territorial Treasurer, and Charles J. Robeson to the office of Warden of the Penitentiary.

On motion of Councilor Smith, the above nominations were referred to the Committee on Elections.

The following communication was received from his Excellency the Governor:

UTAH TERRITORY,
EXECUTIVE DEPARTMENT,
SALT LAKE CITY,
February 18th, 1874.

Gentlemen of the Legislative Council:

By virtue of the authority in me vested by the 7th section of the Organic Act, I hereby nominate for the office of Notary Public in and for the several counties of this Territory for the next years, the following named persons, viz:—

For Salt Lake County—
William Clayton,
Jno. T. Caine,
Alfred S. Gould,
C. W. Stayer,
James Jack,
S. J. Johnson,
W. W. Woods,
Wells Spicer,
Harmel Pratt,
S. T. Brooks.

For Bingham Canyon—
Charles A. Gould,
Lathrop B. Kinney.

For Little Cottonwood—
Jno. McDonald,
James A. Varnes.

For H. C. Hullinger.

For Parley's Park—
Godfried Sporey.

For Tooele County—
Lawrence A. Brown,
James G. Brown,
Egbert B. Collman,
John Le Blane.

For Beaver County—
H. W. Morse,
Edmund P. Hart,
James H. Brown,
J. H. Dupais,
Edward Talton.

For Utah County—
L. J. Nuttall,
William H. Evans,
Charles D. Evans.

For Summit County—
Joseph H. Black.

For Piute County—
Jacob Hess.

For Juab County—
Samuel Pitchforth,
A. G. Sutherland.

For Washington County—
Alden A. M. Jackson.

For Box Elder County—
William Hindman,
William Taylor.

And I submit the same to you for confirmation.

GEO. L. WOODS,
Governor of Utah.

On motion of Councilor Woodruff, was referred to the Committee on Elections.

Councilor Caine, Chairman of the Conference Committee, to whom was referred (C. F. 5), "An act amending An act concerning conveyances," reported the same back, having agreed upon the amendments. Passed.

The following was received from his Excellency the Governor—

UTAH TERRITORY,
EXECUTIVE DEPARTMENT,
SALT LAKE CITY,
February 18th, 1874.

Gentlemen of the Legislative Council:

A bill entitled "An act amendatory of and supplementary to the charter of Parowan city," is herewith returned to the House in which it originated without my approval.

The city of Parowan, as will be seen by its original charter, covers an area of over 23,000 acres, or 36 square miles, and that, too, with a population of less than 900 in 1870, as shown by the U. S. census report of that year.

There is no necessity, in my judgment, for a municipal incorporation at Parowan,

and I am unwilling to extend its corporate powers by signing this bill.

GEO. L. WOODS,
Governor of Utah.

Council adjourned.

HOUSE.

REPRESENTATIVES' HALL,
SALT LAKE CITY,

Feb. 18, 1874.

House met pursuant to adjournment.

Mr. Halliday presented a petition from Thomas Woolley and eight others, praying for the election of a Notary Public for Pleasant Grove City, in Utah County, and suggesting Elijah Mayhew for said office, which was read and laid on the table.

Mr. Rockwood, Chairman of Committee on Agriculture, Trade, and Manufactures, to whom was referred (H. F. 48), entitled "An act to provide for the destruction of sunflowers, and other obnoxious weeds, on lands owned by any railroad company, and to recover damages caused by fire from locomotives," reported the same back, and recommended that the subject matter thereof be referred to the Committee on Railroads, as a more appropriate Committee; referred to the Committee on Railroads.

Mr. Rockwood moved that the Committee on Petitions and Memorials be instructed to report a memorial to Congress, setting forth, First—The amount already received from the General Government for educational purposes; Second—The necessity for making the university and school reservations available for educational purposes, either by appropriation, or by authorization to lease for a term of years; Third—The action of Congress in the premises in favor of Colorado, Montana, and other Territories.

Seconded and carried.

Mr. Pace moved that the Committee on Claims and Appropriations be instructed to incorporate in the Territorial appropriation bill, the sum of \$500, to aid in the construction of a wagon road, from Glenwood, in Sevier County, to Grass Valley, to be drawn and expended, under the direction of the Hon. A. K. Thurber, which was referred to the Committee on Roads, Bridges, and Ferries.

Mr. B. Young, Jun., presented a bill (H. F. 56) entitled "An act to repeal an act entitled 'An act in relation to crimes and punishments,'" approved March 6, 1852, which was read and referred to Committee on Judiciary.

(C. F. 23), "An act amendatory of an act entitled '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,'" approved Feb. 1870, was referred to the Committee on Judiciary.

(C. F. 29), A bill for "An Act to amend an act entitled 'An act providing for the incorporation of railroad companies, and the management of the affairs thereof,'" approved February 19th, 1869, was referred to the Committee on Railroads.

The Speaker appointed Messrs. Farr, Richards and Taylor, a committee of conference on the part of the House, to act with the like committee from the Council on (C. F. 25).

The following message was received from his Excellency the Governor, and read:

"A bill entitled 'An Act amendatory of, and supplementary to, the Charter of Beaver City,' is herewith returned without my approval."

(C. F. 33), "An Act to amend an act entitled 'An Act amending the Charter of Incorporated Cities,'" approved Feb. 15th, 1872, was referred to the Committee on Municipal Corporations, &c.

The Speaker appointed Messrs. Pace, Young and Peacock Committee of Conference on the part of the House, to act with a like committee from the Council, on the 9th section of (H. F. 45), "An Act defining the boundaries of counties."

The following was received and read:

Mr. Richards, of the Committee on Judiciary, to whom were referred the following bills—

House Bill No. 26, "An act respecting bonds, notes, and bills of exchange."

H. F. No. 31, "An act relating to contracts and promises."

H. F. No. 34, "An act concerning evidence."

Respectfully return these bills, after having carefully examined them, and do not recommend their passage, as many of the provisions contained therein are embodied in other acts which have passed or are now on their passage in this House.