

[PUBLISHED BY AUTHORITY.]

# MINUTES OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH. TWENTY-FIRST SESSION, 1874. HOUSE.

REPRESENTATIVES' HALL,  
Feb. 13, 1874.

House met pursuant to adjournment.

(C. F. 28) "An act amendatory of, and supplementary to, the charter of Parowan city," passed.

(C. F. 5), "An act concerning conveyances," was read and referred to the Committee on Judiciary.

Mr. Jos. F. Smith, Chairman of Committee on Municipal Corporations, &amp;c., to whom was referred a bill for "An act amendatory of and supplementary to the charter of Fillmore City," reported back said bill with amendments, and recommended its passage. Passed.

Mr. Jos. F. Smith, Chairman of Committee on Municipal Corporations, &amp;c., to whom was referred the petition of John Bair and eighty two others, citizens of Richmond City, in Cache county, praying for the changing of boundary line, reported back said petition with an accompanying bill and recommended its passage. Passed.

Mr. Nebeker presented a petition from Mr. W. P. Nebeker and 195 others, asking for an appropriation to aid in building a road from Randolph, Rich County, to Hyrum in Cache County, by the way of Stockton in Rich County, which was read and referred to the Committee on Roads, &amp;c.

Mr. S. S. Smith, Chairman of Committee on Claims and Appropriations, to whom was referred the bill of W. N. Dusenberry for services as Deputy District Attorney, for the First Judicial District, reported having examined said bill, and recommended that \$240 be allowed for such services, and that the committee be instructed to incorporate the amount in the appropriation bill. Report accepted.

Mr. Rockwood, Chairman of Committee on Agriculture, Trade and Manufactures, to whom was referred (H. F. 43), entitled "An act establishing a Bureau of Statistics," reported having had the same under consideration, and, as the result of their labors, returned said bill after striking out the last six lines in section two, and recommended its passage. Said bill was read as amended and passed.

Mr. Pace, Chairman of Committee on Counties, to whom was referred the motion of Mr. Partridge, "to more clearly define and establish the boundary lines of Counties throughout the Territory," reported accompanying bill, as the result of their labors, and recommended its passage. Read.

The House adjourned till 2 p.m. to-morrow.

## COUNCIL.

### THIRTY-FOURTH DAY.

COUNCIL CHAMBER,  
Salt Lake City,  
Feb. 14, 1874.

Council met pursuant to adjournment.

Councilor Young moved that the Committee on Claims and Appropriations be instructed to take into consideration the propriety of including in the Territorial Appropriation Bill the sum of \$6,000.00, to partly reimburse the citizens of Sevier County the amount expended by them on the Clear Creek Wagon Road.

Seconded and carried. Councilor Smith, Chairman of the Committee on Counties, to whom was referred (H. F. 30), "An Act concerning the County Seat of Piute County, and to Legalize the Acts of the Officers of said County," reported the same back amended, and recommended its passage as amended.

(H. F. 30), "An Act concerning the County Seat of Piute County, &amp;c.," was passed.

H. F. 41, "An Act providing for the election of Probate Judges," was passed.

Councilor Woodruff, Chairman of the Committee on Agriculture, &amp;c., to whom was referred H. F. 18, "An Act pertaining to certain animals," &amp;c., reported the same back amended, and recommended its passage as amended.

Recommitted to the Committee on Agriculture, &amp;c.

Councilor Woodruff, Chairman of the Committee on Agriculture, Trade and Manufactures, to whom was referred petition of Wm. W. Walker and 32 others, praying for legislation to prevent the importation of Texan cattle into the Territory, reported adversely thereto.

Councilor Callister, pursuant to notice, presented C. F. 37, "An Act to incorporate Scipio City, in Millard county." Referred to Committee on Municipal Corporations.

C. F. 6, "An Act concerning fraudulent conveyances," was passed.

2 P. M.

(H. F. 44) "An act changing the boundary lines of Richmond, Cache County," was referred to the Committee on Municipal Corporations and Townsites.

(H. F. 43) "An act establishing a Bureau of Statistics," was referred to the Committee on Agriculture, Trade and Manufactures.

Councilor Woodruff, Chairman of the Committee on Agriculture, Trade, &amp;c., to whom was referred (H. F. 18) "An act pertaining to certain animals running at large," &amp;c., reported the same back amended, and recommended its passage as amended. Passed.

Councilor Stayner presented C. F. 38, "An act providing for the election of the Territorial Auditor of Public Accounts and the Territorial Treasurer." Referred to the Committee on Elections.

Councilor Woodruff, Chairman of the Committee on Claims and Appropriations, to whom was referred the Territorial Marshal's accounts, recommended the appropriation of the sum of \$3,322.63 for the relief of John D. T. McAllister, the Territorial Marshal, and also recommended that said amount be incorporated in the Territorial appropriation bill.

Councilor Harrington pursuant to notice, presented C. F. 34, "An act amendatory of and supplementary to the charter of American Fork City." Referred to the Committee on Municipal Corporations.

C. F. 23, "An act amendatory of an act entitled an act to regulate proceedings in civil cases in the courts of justice in this Territory, and to repeal certain acts and parts of acts," was amended and passed.

C. F. 11, "An act to regulate fees and compensation for official and other services in the Territory of Utah," was passed.

H. F. 15, "An act prescribing the fees of the Secretary of the Territory," was laid on the table.

Councilor Jennings, Chairman of the Committee on Railroads, to whom was referred C. F. 30, "An act providing for a general lien for common carriers, and for the sale of property not delivered," reported the same back, and recommended its passage. Passed.

Councilor Jennings, pursuant to notice, presented C. F. 39, "An act specifying when acts and resolutions shall be in force," was passed.

Communications were received from his Excellency the Governor, nominating

Geo. A. Groo to the office of Auditor of Public Accounts.

Benjamin L. Duncan to the office of Territorial Marshal.

Frank Tilford to the office of Attorney General.

O. H. Riggs to the office of Supt. of Common Schools.

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

Councilor Woodruff presented petition of Ward E. Pack and 200 others, praying for a change in the boundary line between Summit and Wasatch Counties. Referred to the Committee on Counties.

Council adjourned till Monday

## HOUSE.

(H. F. 30), "An Act concerning the county seat of Piute county, &amp;c.," was read. Council amendment concurred in.

(H. F. 41), "An Act providing for the election of Probate Judges," was read and Council amendment concurred in.

A petition of Mr. C. C. Wallin &amp; Co., for redress, was referred to the Committee on Claims and Appropriations.

The following was received and read:

Mr. Speaker and Members of the House.

Gentlemen—I move that the Committee on Claims and Appropriations be instructed to incorporate

the sum of one thousand (\$1,000) dollars for the purpose of purchasing and introducing quails into this Territory, and that said amount be drawn and expended by order of the President of the Deseret Agricultural and Manufacturing Society, who shall make a fair distribution of these birds to the several counties of this Territory. The President of the above named Society shall make a report to the Legislative Assembly of Utah Territory during the first part of its session subsequent to purchase, the cost of purchase, the number of quails, cost of transportation, and distribution. W. G. SMITH.

Referred to the Committee on Agriculture, Trade and Manufactures.

The Speaker appointed Messrs. Rowberry and Thurber Committee of Conference on part of the House to act with a like Committee from the Council in the amendment of (C. F. 12).

(C. F. 20), "An act in relation to the money of account and interest," was referred to the Committee on Judiciary.

Mr. Peacock presented a petition from Mr. A. J. Moffit and 76 others, asking for a new charter incorporating the city of Mantle, in Sanpete county, which was referred to the Committee on Municipal Corporations.

Mr. S. S. Smith, Chairman of Committee on Claims and Appropriations, to whom was referred the account of Z. Snow for services rendered, respectfully recommended that the sum of \$2,000 be appropriated to cover the amount drawn, and that the further sum of \$3,510.70 be appropriated to pay expenses as per bill.

Report adopted, and the Committee on Claims, &amp;c., instructed accordingly.

Mr. Thurber, Chairman of Committee on Revenue, to whom was referred the motion of Mr. Rowberry recommended the passage of the accompanying bill.

Said bill (H. F. 46), "An act amending an act prescribing the manner of assessing and collecting territorial and county taxes," &amp;c., was read the first time.

Committee on Claims and Appropriations, to whom was referred the petition of Reuben Miller, asking for compensation for services as director of the Penitentiary, recommended that the sum of one hundred dollars be appropriated for such services.

Adopted and the Committee instructed accordingly.

Committee on Roads, Bridges and Ferries, to whom was referred the petition of W. P. Nebeker and 195 others, praying for an appropriation to work a road from Randolph in Rich County, and Hyrum in Cache County, recommended that the sum of two thousand dollars (\$2,000) be placed upon the appropriation bill for that purpose, to be drawn and expended under the direction of the selectmen of Rich County.

Adopted and the committee instructed accordingly.

Your Committee on Education to whom was referred H. F. 40, "An Act appropriating money for school purposes," report favorably there to with some slight changes indicated and recommended its passage as amended.

Said bill (H. F. 40), "An Act appropriating money for school purposes," was recommitted to the Committee on Education.

Said bill (H. F. 40) was reported back amended. Said amendments were read and adopted, and the bill further amended and passed.

Mr. Rowberry presented a memorial to Congress asking for legislative enactments on school lands, which was referred to the Committee on Petitions and Memorials.

Mr. Rowberry presented a report of Commissioners to locate University lands, which was read and the Committee on Claims and Appropriations was instructed to incorporate the sum of \$750, to be drawn by the said Commissioners to locate University lands.

(C. F. 6) "An Act concerning fraudulent conveyances and contracts," was referred to the Committee on Judiciary.

Report of Hon. Daniel H. Wells, Chancellor of the Deseret University, was referred to the Committee on Education.

Mr. Mann presented a bill for "an act to amend an act entitled an act incorporating Great Salt Lake City," approved January 20, 1860, which was passed.

7 p.m.

Mr. W. R. Smith presented (H. F. 48), "An act to provide for the destruction of sunflowers and other obnoxious weeds on land owned by any railroad company, and to recover damages caused by fire from locomotives, which was read and referred to the Committee on Agriculture, Trade and Manufactures.

(H. F. 37), "An Act amending 'An act regulating elections,'" was referred to Messrs. Thurber and Pace, a Special Committee.

(H. F. 45), "An act defining the boundaries of counties and locating county seats," was passed.

(H. F. 46), "An act amending 'An act prescribing the manner of assessing and collecting territorial and county taxes, etc.," was passed.

Mr. Thurber, Chairman of Special Committee on (H. F. 37), "An act amending 'An act regulating elections,'" reported back said bill with amendments. The amendments were read and concurred in and the bill passed.

House adjourned till 2 p.m. on Monday.

## COUNCIL.

COUNCIL CHAMBER,  
SALT LAKE CITY,  
Feb. 16th, 1874.

Council met pursuant to adjournment.

Councilor Woodruff, Chairman of the Committee on Agriculture, Trade and Manufactures, to whom was referred H. F. 43, "An Act to establish a Bureau of Statistics," reported the same back and recommended that the Council concur with the House in the passage of said act.

Councilor Jennings, Chairman of the Committee on Railroads, to whom was referred 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," reported the same back amended, and recommended its passage as amended.

C. F. 31, "An act further amending an Act entitled an Act defining who are exempt from serving on juries and prescribing the mode of procuring grand and petit juries, and for other purposes," was referred to the Committee on Judiciary and ordered printed.

C. F. 17, "An Act amending an Act in relation to Marshals and Attorneys," was laid on the table till called for.

C. F. 32, "An Act amending an Act entitled an Act in relation to Marshals and Attorneys," was referred to the Committee on Judiciary.

C. F. 36, "An act creating a Board of Managers for the Territory of Utah, to co-operate with the National Centennial Board of Commissioners for the Centennial Exhibition, to be held in the city of Philadelphia in 1876," was passed.

2 p.m.

The following communication was received and read.

ADJUTANT GENERAL'S OFFICE, U. T.  
February 13th, 1874.

To the Hon. Legislative Assembly of the Territory of Utah:

GENTLEMEN:—In behalf of those who furnished supplies to the Militia while engaged in suppressing Indian hostilities, during the years 1865, '66, and '67, we ask that an appropriation be made by your Hon. Body from the Territorial Treasury.

The amount solicited, to be drawn one-half the present year and the other during the year 1875, is sixty thousand dollars.

It appears almost imperative that those claims should be gradually extinguished by the Territory, the more especially as the financial condition of the Territory seems favorable for this purpose.

The above amount, tho' small in proportion, (the whole amount of these claims being \$1,121,037.38) would yet suffice to pay some part of those which are the most pressing, and give assurance that others would also be reimbursed at no very distant day.

Of course it is expected that the General Government will reimburse the Territory these expenses, paying back the sums advanced, also furnishing the Territory with the further means to liquidate the entire amount.

Our expectations in this regard, as to the ultimate favorable consideration and action of Congress, is based upon the fact of these claims being eminently just and reasonable, and also that they are in the habit of paying claims to other Territories of a like and similar character. Moreover, if at any future time occasion should require supplies to be furnished for like and similar purposes (which may kind Heaven forefend) the People may be less unwilling to extend the helping hand upon mere promises to pay, of either the Territorial or General Government.

All of these accounts were forwarded in 1869 to the Hon. Wm. H. Hooper, Delegate to Congress, who presented them to the House of Representatives; they were referred to the committee on military affairs and ordered to be printed with the accompanying papers, since which time no further action has been taken. The following is a copy of the certificate appended to the Report and published with the papers—

EXECUTIVE OFFICE,  
Utah Territory,  
Salt Lake City,  
Jan'y 9th, 1869.

I, Charles Durkee, Governor of Utah Territory, do hereby certify that the military service rendered by the militia of this Territory comprised in the foregoing accounts was absolutely necessary, and was therefore sanctioned and authorized by me at the time specified, and that the accounts are just.

CHARLES DURKEE,  
Governor.

Trusting that this subject may meet with your favorable consideration at the present session, we, your petitioners, as in duty bound, will ever pray.

DANIEL H. WELLS,  
Lieut. Gen.H. B. CLAWSON,  
Adj't Gen'l.

Referred to the Committee on Claims and Appropriations.

Councilor Smoot, Chairman of the Committee on Municipal Corporations, to whom was referred H. F. 36, "An act amendatory of and supplementary to the Charter of Fillmore City," reported the same back without amendments and recommended its passage as amended.

H. F. 43, "An act establishing a bureau of statistics" was amended and passed.

Councilor Hooper, Chairman of the Committee on General Incorporations, to whom was referred C. F. 2, 3 and 25, bills for supplementing and amending "an Act for incorporating associations for mining, manufacturing, commercial and other industrial pursuits," approved Feb. 18, 1870, reported adversely to the passage of Nos. 2 and 3, and recommended the passage of No. 25 as amended.

C. F. 25, "An Act to amend an Act providing for incorporating associations for mining, manufacturing, commercial and other industrial pursuits," approved February 18, 1870, was read as amended and passed.

Councilor Harrington, pursuant to notice, presented C. F. 40, "An act to amend an act entitled an act prescribing a summary mode of procedure for the recovery of real property, &amp;c.," referred to Committee on Judiciary.

Communications were received from the House, announcing their concurrence in Council amendments to H. F. 18, "An act pertaining to certain animals running at large &amp;c.," also their passage of H. F. 27, "An act supplemental to an act entitled 'An act in relation to defrauding, cheating or swindling.'"

Referred to committee on Judiciary with instructions.

C. F. 40, "An act appropriating money for school purposes," was referred to the Committee on Education.

H. F. 43, "An act amending an act prescribing the manner of assessing and collecting Territorial and County taxes, &amp;c.," was referred to Committee on Revenue.

H. F. 37, "An act amending an act regulating elections," was referred to the Committee on Elections.

H. F. 45, "An act defining the boundaries of counties and locating county seats," was referred to Committee on Counties.

H. F. 47, "An act to amend an act entitled 'An act incorporating Salt Lake City,'" was referred to the Committee on Municipal Corporations.

Councilor Young presented petition of Bentham Fabian, praying for an appropriation in aid of publishing a work on statistics, which was read and referred to the committee on Claims, &amp;c.

C. F. 29, "An act to amend an act entitled an act providing for the incorporation of railroad companies and the management of the affairs thereof, &amp;c.," was passed.

The Council adjourned.

## HOUSE.

REPRESENTATIVES' HALL,  
Feb. 16, 1874.

House met pursuant to adjournment.

Mr. Rockwood presented a bill from Theodore McKean, for services, which was read and referred to the Committee on Claims, &amp;c.

The Petition of S. J. Comfort, and twelve others of Diamond City, Juab County, for a Notary Public, was read and referred to Committee on Elections.

Petition of T. E. Daniels, and fifty one others, citizens of Payson and Salem, Utah Co., praying for appropriation for Road Purposes, was read and referred to the Committee on Roads, Bridges, &amp;c.

Mr. Merrill presented a Petition from Wm. B. Preston and fifty-five others, praying for a change of the boundary line of Logan City;