

## THE LEGISLATURE.

## COUNCIL.

February 23, 1888.

A communication was received from the House notifying the Council of the passage of H. F. 62, a bill providing for the education of 50 normal students in the University of Deseret. Committee on education.

The Council was notified of the passage by the House of H. F. 53, providing for the transferring of the Territorial library to the University of Deseret, under certain restrictions. Read the first time and filed for second reading.

The House notified the Council of the passage of H. F. 70, a bill for an act providing for changing the names of towns, precincts and school districts. Referred to the committee on elections.

The Council was notified of the passage by the House of a substitute for H. F. 40 and H. F. 49, amending the laws for the protection of fish and game. Committee on fish and game.

The House having passed H. F. 7 (substitute), providing for a territorial board of equalization, it was read the first time and referred to the committee on ways and means.

The Council being notified of the passage of H. F. 73, providing appropriations for general purposes, the bill was read by its title and referred to the committee on appropriations.

Smoot made a report from the committee on insane asylum in relation to C. F. 18, amending the law providing for the establishment of a territorial insane asylum. Ordered printed and filed for second reading.

Smoot, from the same committee, recommended that C. F. 8, providing for the care and keeping of patients in the insane asylum be rejected, as C. F. 18 substantially covered the ground.

Wimmer, from the committee on counties, reported on C. F. 38, defining the boundaries of counties, etc., recommending its passage. The report was adopted and the bill filed for second reading.

The committee on enrollment notified the Council of the enrollment of C. F. 31, in relation to banking, which was sent to the Governor at 3:30 p. m. yesterday. The report was accepted.

Woolley, from the judiciary committee, reported on C. F. 33, providing for the survey of mining ground, recommending its rejection on the ground that it was superfluous legislation. The report was adopted.

Woolley, from the committee on judiciary, reported on C. F. 24, a bill in relation to occupying claimants, recommending its passage. The report was adopted, the bill read and filed for second reading.

February 28, 1888.

Woolley, from the judiciary committee, reported on C. F. 32, relating to fees of officers, recommending its rejection and the passage of an accompanying substitute.

The report was adopted, the bill read by title and filed for second reading. Smoot presented C. F. 39, a bill amending the law providing for executions in justices' courts.

The bill was read the first time and referred to the committee on judiciary. H. F. 55, before referred to, was then called up for second reading, read, amended, read a third time under suspension of the rules and passed.

Bryan's bill, C. F. 38, defining the boundary line between Millard and Juab Counties, was read a second and third time and passed.

The Council then adjourned till 10 a. m. tomorrow.

February 29, 1888.

Pursuant to adjournment the Council met promptly at 10 a. m.

A communication was received from the City Council tendering the lands on Arsenal Hill for the erection of a state house.

A joint committee on the part of the Council, consisting of Shortliff, Marshall and Wimmer, was appointed to confer with a like committee from the House, and at 11 a. m. to visit Arsenal Hill with the Governor and others to inspect the lands referred to.

The Council was notified that the House concurred in its amendments to H. F. 55, in relation to the territorial library.

The Council was notified of the passage of H. F. 59, providing for a uniform system of county government. The bill was read by its title and referred to the committee on counties.

Mr. Young was excused. Olsen reported in behalf of the committee on claims and public accounts, on the petition of A. W. Ivins, for \$39.58, due him on tax account, setting forth that the claim was just and should be allowed.

The report was adopted and the petition referred to the committee on appropriations.

Woolley from the judiciary committee, reported on C. F. 37, regulating fees, etc., recommending its rejection. The report of the committee was adopted and the bill rejected.

Woolley from the same committee, reported on C. F. 39, a bill for an act amending the code of civil procedure, recommending its passage. Report adopted and the bill filed for second reading.

Wimmer, from the committee on highways, reported on C. F. 34, a bill providing for an ad valorem tax in lieu of the present poll tax, making no recommendation. The bill was ordered filed for second reading.

Carlisle, from the committee on education, reported on H. F. 62, providing for the education of 30 normal students, etc., recommending its passage. Report adopted and the bill filed for second reading.

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Shortliff, from the committee on elections, reported on H. F. 70, in relation to changing the names of towns, precincts and school districts, recommending its passage. Report adopted and bill filed for second reading.

Shortliff, from the committee on ways and means, reported a substitute for H. F. 7, providing for a territorial board of equalization, recommending its passage.

The report was adopted, the bill read by title and filed for second reading. C. F. 24 (occupying claimants), was read the second time, amended and filed for third reading.

C. F. 32 (substitute), providing compensation for territorial officers, was read the second and third times and passed.

The House having passed H. F. 69, providing for the relief of the inhabitants of cities and towns upon the public lands, it was read by title and referred to the committee on municipal corporations and towns.

C. F. 34, relating to taxes, was ordered printed pending second reading.

H. F. 62 (normal students), was read a second and third time and passed without amendment.

H. F. 70, before referred to, was read the third time and passed.

H. F. 7 (substitute), providing for a territorial board of equalization, was called for second reading, pending which in consequence of members of the Council being absent, Smoot moved recess till 2 p. m. Carried.

Feb. 29, 1888.

The Council met at 2 p. m. A communication was received from the House notifying the Council of the passage of H. F. 74, a bill to prevent cruelty to animals. Read first time by title and referred to the committee on agriculture.

H. F. 75, a bill providing for the establishment of corporations for the prevention of cruelty to animals, having passed the House, was read the first time by its title and referred to the committee on private corporations.

The Council was notified of the House's concurrence in amendments to H. F. 7 (substitute), providing for a Territorial board of equalization. This bill was the cause of elaborate discussion; it was extensively amended and passed its second reading.

C. F. 39, a bill for an act providing for executions in justices' courts, was called up. After some discussion over proposed amendments the bill passed its second reading.

The third reading of Council memorial No. 4, in regard to land for the Orphans' Home and Day Nursery, was called for.

## HOUSE.

Feb. 27, 1888.

The bill providing for a territorial board of equalization came up.

Pending its consideration the speaker called King to the chair, and afterwards resumed it.

Wood's motion to make the per diem of members of the board four instead of five dollars, was lost on a tie.

Hoge's motion to strike out the provision authorizing the Assembly to elect the board was lost.

Allen moved an amendment providing that the bills of the board for per diem and mileage might be paid out of the general fund instead of a special appropriation. Adopted.

Hatch moved to make the mileage 10 cents instead of 15 cents. Carried.

Richards moved to amend by adding a clause appropriating \$5,000 for the expense of the board. Adopted.

Howell moved to amend by adding a section making it a misdemeanor for any person to refuse or neglect to comply with the provisions of the bill. Adopted.

Hoge offered an amendment to authorize members of the board to send for persons and papers, and swear witnesses. Adopted.

Richards offered as an amendment a provision requiring the members of the board to take the oath of office. Adopted.

Clark moved to make the appropriation for the expenses of the board \$3,000 instead of \$5,000. Adopted.

Some further unimportant amendments were made when the bill passed by a unanimous vote.

The general appropriation bill came up on third reading. Read by its title, and on motion of Clark was put upon its passage.

Pending the final vote, on motion of Hoge, the librarian's salary for 1888 and 1889, \$500, was stricken out, in view of the action of the House in passing the bill to transfer the library to the University.

Hatch moved to strike out the item of \$1,000 attorney's fees. Hoge supported the motion and it was carried.

Allen moved to strike out the school commissioner's salary, saying that the educational committee would report on the subject.

Hoge moved to strike out item 16, \$25,451 00 for the University, in view of the passage of the loan bill.

Richards said that it was evident many members did not know what the bill contained, and thought action upon it better be deferred. The bill was read for information.

Clark objected to striking out the item for the University, and Hoge withdrew his motion to do so.

Jones moved that the bill pass. It passed by a vote of 20 ayes; 1 no. The latter was Hoge.

The reform school bill came up under special orders.

Kimball moved that it be made special order for tomorrow. Lost.

The clerk proceeded to read the bill by sections.

Pending consideration of this bill, Hatch was called to the chair.

The words providing that the reform school must be located within 75 miles of Salt Lake City, were stricken out.

Richards moved to amend so as to require plans to be prepared for an institute to accommodate 300 instead of 100 patients, when finished. Lost.

Moyle moved to make the number 200, and made an argument in support of his motion. He stated that as many as fourteen boys had been arraigned in one month in the police court of this city on a charge of grand larceny.

Lund thought that large buildings were not desirable, and that smaller ones were preferable for juvenile offenders.

King said the system of having a number of buildings, and dividing the inmates into grades, was coming into favor, and he thought that provisions for 100 was enough at present.

Richards urged that the system, whether the cottage or some other, which shall be adopted, should provide for more than 100 inmates, even though only a part of the buildings be erected at first. The plan to be adopted should look at the ultimate accommodation of more than 100 inmates.

Creer thought that provisions for 100 was sufficient as shown by the experience of different states.

Moyle made a further argument in support of his motion, urging that what shall be done as a commencement, should be done with a view to future needs.

Roneche said that he would vote for 100, and that if more room should be wanted at a future time, a branch reform school could be established in some other county, so keen to get the first.

Moyle's motion was lost.

Allen moved to strike out the section restricting the board in the selection of plans to accommodate 100. He said the plans as to number of inmates should correspond with the appropriation. Lost.

The reform school bill was informally laid aside, the speaker in the chair.

Allen introduced a local option petition. Elections committee.

Jones introduced a petition from Box Elder County, asking for \$3,000 for road purposes. Committee on highways.

Roneche introduced a petition from Davis County, asking for \$5,000 for a bridge across the Weber. Same committee.

Richards introduced a bill amending the present law, which went to the committee on private corporations.

Creer introduced a bill in relation to the branding, etc., of live stock. It went to the live stock committee.

The committee on memorial reported that the Council had taken favorable action on the memorial asking Congress for a portion of the Fort Douglass military reservation, for the Orphans' Home and Day Nursery.

Richards' county government bill came up on second reading.

The bill was amended so as to make the per diem of commissioners \$3 instead of \$4, and their mileage 10 instead of 20 cents, and was made special order tomorrow. Two sections offered by Richards as amendments were ordered printed.

Creer, for the elections committee, reported back H. F. 44, a liquor bill without recommendation.

Heyborne, from the committee on manufactures and commerce, reported favorably on the insolvency bill.

The reform school bill, which had been informally laid aside, was made special order for tomorrow.

The bill appropriating \$10,000 to the normal department of the University, came up, pending consideration of which the House adjourned till 10 a. m. tomorrow.

Feb. 28, 1888.

Opening exercises. H. F. 62, appropriating \$10,000 to the normal department of the University, etc., came up as unfinished business.

Moyle said the bill was amendatory of the present school law, and that a bill in course of preparation by the educational committee contemplated the repeal of that law. He therefore moved to amend the wording so as to make the bill an independent act.

Moyle moved suspension of the rules and the passage of the bill. The bill passed by a vote of 13 ayes, no noes, the rest absent.

H. F. 76, the general municipal corporations bill, came up on second reading. It is a very long bill and is a committee measure. Two hours were spent in reading it. A number of slight amendments were made, and at 12:25 p. m. the House took a recess till two o'clock.

2 p. m.

After recess, the House continued the consideration of the general municipal bill.

Thurman moved to strike out the clause empowering city councils to appropriate public money for celebrating the Fourth of July. He stated that courts had held such an expense not to be a proper object for taxation.

King differed from Thurman. He said our city councils were being constantly petitioned to appropriate money to celebrate the Fourth, and thought power to respond should be given.

Moyle favored striking out, thinking

such a clause opened the door for a misuse of public funds.

The motion to strike out prevailed.

The consideration of this bill, on second reading, was still in progress when we went to press.

Feb. 28, 1888.

The Council amended the library bill, and the House concurred. The bill was sent to the enrollment committee.

The Council bill in reference to county boundaries and county seats, was sent to that committee.

Pending the second reading of the municipal bill, Jones moved to suspend the regular order and take up H. F. 39, the county government bill. Carried, and H. F. 39 was taken up on second reading, and slightly amended.

Jones moved suspension of the rules and the third reading of the bill by its title. Carried.

Moyle moved that the bill pass. It passed by a vote of 18 ayes, 2 noes, 8 absent. Hoge and McLauglin voted no.

Kimball introduced a bill providing for revising the brand sheet. Committee on live stock.

Hoge, for the committee on penitentiary and reform school, reported on the communication of Marshal Dyer, urging the purchase of a safe for the penitentiary, recommending an appropriation of \$250 for the purpose. Adopted.

Roneche, for the agricultural committee, reported favorably on the bill in relation to an agricultural college.

Seegmiller for the live stock committee, reported favorably on H. F. 68, revising the estray and law.

Hatch, from the claims committee, reported favorably on the claim of R. W. Heyborne, tax collector, amounting to \$34.

Thurman introduced a bill amending the present law affecting private corporations. Sent to that committee.

The enrollment committee reported that H. F. 58, the anti-tobacco bill, H. F. 57, in relation to county boundary lines, and H. F. 61, relating to sessions of the Assembly, had been sent to the Governor.

Creer, for the election committee, reported favorably on the local option bill.

Roneche introduced a resolution calling on the auditor for a statement of the accounts receivable due the Territory. Adopted.

Hatch inquired what had been done in compliance with a resolution adopted about a month ago, asking for a statement of the property of the Deseret Agricultural and Manufacturing Society.

Heybourne, for the agricultural committee, stated that the committee were trying to get the information, and expected to succeed shortly.

Consideration of the general municipal bill was resumed.

A debate occurred on the striking out of the article which specifies the manner in which a district may withdraw from within corporate limits, in which King, Allen, Creer and Moyle took part.

Creer and Moyle favored striking out, pending the preparation of a substitute, while Allen and King opposed striking out.

Howell was entirely opposed to the article, and on a rising vote the article was stricken out.

The second reading of the bill by sections was furnished and it was filed for third reading.

The reform school bill was made special order for tomorrow.

Thurman introduced a claim of O. J. Averill, former clerk of the third district court, which went to that committee.

At 4:40 the House adjourned till 10 a. m. tomorrow.

Feb. 29, 1888.

House met pursuant to adjournment.

Opening exercises.

Seegmiller introduced a petition asking for an appropriation for Salina Cañon. Highways committee.

Roneche introduced a claim of Mr. Burrows for jury service, which went to that committee.

Thurman for the judiciary committee reported favorably on a bill in relation to town sites. Made special order for today.

Wood, for the asylum committee, reported relative to the reports made to the Assembly by the officers of that institution. The present indebtedness of the asylum is over \$30,000, and this amount, in addition to what would be required to complete the building and purchase necessary land, would make the appropriation asked for in behalf of the asylum, something over \$92,000. The report was laid on the table, subject to consideration by committee of the whole.

King, for the municipal committee, reported adversely on a bill whose provisions had been incorporated with the general bill. Adopted.

A communication from the corporate authorities of Salt Lake City was read, tendering, as a donation, a site for a state house on Arsenal Hill.

A concurrent resolution providing for the committee contemplated in the communication, to inspect the site, etc., was adopted, and the chair appointed King, Hoge and Kimball, on the part of the House.

The act relating to town sites was read by sections. It supersedes the present law relative to the disposal of surplus lands in town site entries. The recent attempt at land jumping in this city led to the framing of this bill.

The rules were suspended and the bill was read the third time in full.

A debate arose on a motion to strike out the clause providing for the sale, at auction, of certain lands.

Hoge opposed striking out.

An amendment providing that such land might, instead of must, be sold at auction was, on motion of Clark, adopted.

The bill then passed by a unanimous vote.

Moyle, for the committee on education, reported favorably on the bill to establish an institute for deaf mutes. It appropriates \$15,000 for the purpose.

The reform school bill came up, but was informally postponed pending the report of the committee.

H. F. 74, Allen's bill to prevent cruelty to animals, came up on second reading, and was amended slightly.

On motion of Allen the rules were suspended and the bill was put upon its passage. It passed by a heavy majority.

H. F. 77, to establish corporations for the prevention of cruelty to animals, came up on second reading, Farnsworth in the chair.

Jones thought a slight amendment to the present law providing for corporations, would accomplish all that this bill would.

Thurman thought the present law went as far as the Assembly had power to go.

Allen made an argument in favor of the passage of the bill.

Thurman moved suspension of the rules, and the third reading of the bill.

Creer favored the spirit of the bill, but saw no necessity for it, as the present law covered the ground amply.

Jones took a similar view. He favored the objects of the bill, but thought it unwise to encumber the statute book by duplicating legislation.

Allen replied to Jones, urging that beneficial results would accrue from the bill if made a law.

Thurman favored the bill, remarking that special laws had been passed providing for banking, insurance, etc., and cited reasons why the pending bill should pass.

Clark moved the passage of the bill, and it passed by a vote of 15 ayes, 3 noes, several absent.

Creer for the elections committee reported adversely on a local option bill, for the reason that its provisions were included in another bill. Adopted.

Richards introduced a revenue bill which went to the committee on ways and means.

H. F. 30, the local option bill, came up on second reading.

Thurman offered an amendment to section 3, having in view the providing for local option by precincts but not by counties. He thought that, while a county might, in some instances, vote in favor of prohibition, the latter would be impracticable in some of the towns or precincts of the county. He said that it would not be local option to permit rural districts to "snow under" with their votes the towns in a county.

Moyle thought the present liquor law was a good one, but if a local option law was wanted he would favor giving the county as a whole the power to enforce prohibition. His argument was that liquor sold in one precinct would find its way into another.

Allen said this bill related to the personal habits of men, one of the most difficult subjects ever attempted to be legislated upon. He favored Thurman's position, and did not think one precinct should be permitted to legislate for another. He argued that prohibition by counties could not be made effective. He did not think the public sentiment of the Territory was specially pronounced in favor of prohibition.

Moyle replied that the masses of the people of this Territory were earnestly opposed to the liquor traffic and had always been.

Jones asked what the result would be if six precincts in a county favored prohibition, and one opposed it, could the six control the seventh.

Thurman replied no, if his amendment should carry.

Richards explained further the effect Thurman's amendment would have if adopted. Under it, in order to make prohibition to prevail throughout a whole county, each precinct would require to vote for it.

Thurman argued in favor of his amendment, insisting that it was in harmony with a strict principle of local option. It will allow each precinct and town to act for itself.

Roneche said he knew a county containing eight precincts, two of which could outvote the other six, and he would vote for Thurman's amendment.

Creer thought the privilege of local option should be extended to the smallest possible districts.

Moyle argued in favor of local option by counties.

Hatch said that hereafter he would ask that the rule confining members to one speech on each question be enforced. He said we had local option now; every man could drink or let it alone. (Laughter.)

Thurman's amendment prevailed.

On motion of Howell, the number of voters signing the petition for a local option election was increased from one-fifth to two-fifths.

Richards offered an amendment to provide that the question of prohibition should be voted upon only at general elections. He said that it was hardly worth while to trouble the Utah Commission to make a special election canvass for a single precinct. Carried.