

F. No. 72, "Allowing rewards to convicts, etc.," H. F. No. 69, "For the protection of bee culture," and that the House had concurred in Council amendment to H. F. No. 68, "Utah County."

H. F. No. 60, "Amending the laws on fish and game," was taken up, passed its first reading and was referred to the committee on agriculture, trade and manufactures.

H. F. No. 72, "Allowing rewards to convicts, and commuting their term of imprisonment for meritorious conduct," passed its first reading and was referred to the committee on penitentiary.

H. F. No. 69, "For the protection of bee culture," was taken up on its first reading, and, on motion of Councilor Smoot, passed its first reading.

Council adjourned to the regular hour on Friday.

Friday, February 13, 1880.

Councilor Thurber, chairman of committee on printing, reported back C. F. No. 14, "Defining, recognizing and acknowledging vested and accrued rights to the use of water, etc.," which had been reprinted in accordance with the instructions of the Council.

The second reading of said bill by sections was resumed.

The following communications were received from the Clerk of the House:

I am directed to inform your Honorable Body that the House has this day received the accompanying message from the Governor, in relation to H. F. No. 60, "San Juan County," and setting forth his reasons for not approving said bill.

Also, that the House has this day received the accompanying communication from the Governor concerning H. F. No. 43, "Proceedings of Probate Courts," and setting forth his reasons for not approving said Bill.

The messages above referred to were read:

The following messages were received from the Acting Governor:

Hon. Lorenzo Snow, President of Council:

Sir—I return herewith C. F. No. 8, entitled "An act to provide for condemning lands for public use," which I cannot approve.

The Bill is subject to serious objection.

First—It proposes to permit "any municipal or other corporation or association of persons" to take and appropriate private property for their own use.

Second—The provisions of the bill proposing to confer jurisdiction on the Probate Courts and the judges thereof to enforce the power of eminent domain would be utterly nugatory, because the act of Congress, after defining the jurisdiction of these courts, excludes any further jurisdiction in positive terms, viz.: "but otherwise they shall have no civil, chancery or criminal jurisdiction whatever." The fact that the Bill provides that the District Courts shall have concurrent jurisdiction on these matters, does not relieve the bill from this objection.

Third—If the bill were restricted in its operations to municipal corporations, it would still be subject to many objections. It has been the subject of much complaint that municipal corporations in this Territory have, in the exercise of power, granted or assumed, interfered with or obstructed the operations of the homestead and pre-emption laws for the primary disposal of the soil, and have exercised the control of the use of water without regard to vested rights acquired by prior appropriation, and it is not in accordance with the policy of the government that the Territory should adopt the policy of subjecting individual rights to the control of corporations.

Fourth—The mayors, who are to be active agents in the judicial proceedings, may be, in some cases, the probate judges, who are to decide the cases brought before them.

Fifth—The bill proposes not only to transfer the use of lands to corporations and associations of individuals, but also to transfer the titles in fee to the land, so that when the use should cease, the title shall remain vested in the corporation or individuals who had taken it for use.

Sir—I return herewith C. F. No. 1, entitled "An Act in relation to Guardian and Ward," with a recommendation that the following amendments be made to the bill:

Chapter 1.—
Section 3.—Add to end of section a subdivision providing for the appointment of some other suitable person by the court.

Section 15.—Add to end of section "natural wear and decay excepted."

Section 18.—In line one, after the word "survivor," insert "or survivors."

Section 22.—In line one, after the word "may," insert "subject to the approval of the Court."

Section 25.—In line one, after the word "stock," insert "of any incorporation or association."

Chapter II.—Article 1.—
Section 1.—In line two, strike out words "or convenient."

Section 8.—In lines nine and ten, strike out, "without being expressed therein."

Section 9.—In line four, strike out "obligatory" and insert "imposed by this act."

Article 2.—
Section 17.—At the end of the section insert a provision providing for a settlement between the guardian and the ward.

Article 3.—
Section 22.—Add to the end of the section, "subject to the approval of the Court."

Article 4.—
Section 33.—Insert in this section a provision requiring notices to be posted in three public places in the county, one being the Court House door, in addition to the advertising.

Section 34.—In line four, after the word "publication," insert "or posting."

Section 37.—Add to the end of section, "as may in his judgment best serve the interest of the ward."

Section 41.—In line two, strike out the word "date" and insert "interest."

Section 51.—In line five, strike out "for thirty days," and insert, "or neglected for thirty days after the time provided by law for making return."

There is no provision in the bill recognizing the right of appeal to the District Courts. It is true the law provides for an appeal, but as many may be called upon to act under this bill who may be ignorant of the right of appeal, I think it would be wise to recognize this right, and recommend it accordingly.

Respectfully,
ARTHUR L. THOMAS,
Acting Governor.

On motion of Councilor Wells, the Governor's message relating to C. F. No. 1, "Guardian and Ward," was, together with the bill, referred to the committee on judiciary.

On motion of Councilor Harrington to the message of the Governor relating to C. F. No. 8, "Condemning land for public use," together with the bill, was referred to the committee on irrigation and canals.

The second reading of C. F. No. 14, "Defining, recognizing and acknowledging vested and accrued rights to the use of water," as amended, was resumed, passed its third reading, the title then read and approved, and the bill so passed.

The following reports were submitted:

Your committee on petitions and memorials, to whom was referred C. F. No. 22, "A bill changing the name of Christian P. Christiansen to Christian P. Larsen," herewith report the same back without amendment, and ask that it be put on its passage.

A. O. SMOOT, Chairman.

Your committee on general incorporations, to whom was referred C. F. No. 27, "An act amendatory of and supplemental to 'An act providing for incorporating associations for mining, manufacturing, commercial and other industrial pursuits,' approved February 18, 1870," respectfully report that they have fully considered said bill, and herewith report the same back with amendments, which amendments provide for striking out sections 1 and 2 of said bill, and substituting therefor the accompanying sections, numbered from 1 to 11 inclusive; also an additional section at the end of said bill numbered 31. They also propose that the title be amended to read: "A bill for an act amendatory of and supplemental to Chapter IV, Title XI, Compiled Laws of Utah," and recommend that said bill be placed upon its passage, with the proposed amendments incorporated.

Very respectfully,
JOHN T. CAINE, Chairman.

Your committee on Penitentiary, to whom was referred H. F. No. 72, "A bill allowing rewards to convicts, and commuting their sentence for meritorious conduct," beg leave to report that they have considered said bill, and have made an amendment by making an addition to section 4, and recommend its passage as amended.

PETER BARTON, Chairman.

Your committee on agriculture, trade and manufactures, to whom was referred H. F. No. 48, "A bill for an act amending certain sections of the Compiled Laws of Utah pertaining to stray pounds and poundkeepers," would most respectfully submit that in the opinion of your committee no such legislation is necessary at present, and would recommend that this bill lay on the table until called for.

A. O. SMOOT, Chairman.

H. F. No. 69, Providing for the protection of Bee Culture, was taken up, the title read and approved, and the bill so passed was sent to the House for its concurrence in the amendments.

C. F. No. 22, Changing the name of Christian P. Christiansen to Christian P. Larsen, passed its third reading, its title read and approved, and the bill passed.

C. F. No. 27, Amendatory of and supplementary to An act providing for incorporating associations, etc., was taken up on its second reading by sections, as amended by the committee, and passed its third reading.

The title was then read and amended to read, A bill for an act amendatory of and supplemental to chapter IV, title XI Compiled Laws of Utah, in accordance with the recommendation of the committee, and the title being then approved, the bill so passed.

A communication was received from the clerk of the House, stating that H. F. No. 73, organizing San Juan County, had passed.

H. F. No. 73, Organizing San Juan County, was read the first time and referred to the committee on counties.

Councilor Smith submitted the following report:

Your committee on revenue, to whom was referred H. F. No. 62, A bill defining the amount of bonds of the Auditor of Public Accounts, Territorial and County Treasurers, beg leave to report that they have duly considered said bill, and herewith return it with proposed amendments and recommend the adoption of said amendments and the passage of the bill.

Said bill was read as amended by the committee, and the title being amended in conformity with the recommendation of the committee to read, "A bill defining the amount of bonds of the Auditor of Public Accounts and Territorial and County Treasurers," and the title being then approved, the bill so passed, and was sent to the House for its concurrence in the amendments.

Councilor Harrington reported back H. F. No. 21, Amending section 1020 of the Compiled Laws of Utah, without amendment, and recommended its passage, and the bill passed.

A communication was received from the House announcing that the House had passed C. F. No. 22, "Change of name," without amendments.

Council adjourned to 11 a.m. Saturday.

Saturday, Feb. 14, 1880.

Communications were received announcing that the House had passed H. F. No. 47, "School bill," and had resolved that the Council concurring, a committee of two be appointed from each house to await upon His Excellency Governor Emery and ask if he has any communication to make to the Assembly. The Speaker has appointed Messrs. Preston and Jacques said committee on the part of the House.

The Council concurred in said resolution, and Councilors Thurber and Cluff were appointed said committee.

H. F. No. 48, "A bill for an Act amending certain sections of the Compiled Laws of Utah, relating to stray pounds and poundkeepers" was taken up, and, on motion, was returned to the House not passed, in accordance with the recommendation of the committee.

(H. F. No. 72) "Allowing rewards to convicts and commuting their term of sentence for meritorious conduct, etc.," was taken up on its second reading by sections as amended, passed second reading, read third time by its title, passed third reading.

The title was then read and approved, and the bill was sent to the House for concurrence in the amendments.

(H. F. No. 47) Providing for the establishment and support of district schools, etc., was taken up, passed its first reading by its title, and was referred to the committee on education.

Councilor Caine reported back (H. F. No. 61), "Amending an act to

provide for special elections, etc.," with amendments, and recommended its passage as amended.

The bill was read the second time by sections, passed its second reading, read third time by its title, and passed its third reading. The title was read and approved, and the bill passed, and was sent to the House for concurrence in amendments.

Communications were received announcing that the House had passed C. F. 14, "Water Bill," with amendments, and had concurred in Council amendments to H. F. 72, "Awards to convicts."

Councilor Caine submitted the following report:

Your committee on judiciary beg leave to report a bill for "An act to amend an act regulating the mode of procedure in criminal cases," approved February 22nd, 1878, and recommend that it be placed upon its passage.

The bill was laid on the table to come up in its order.

C. F. No. 14, "Defining, recognizing and acknowledging vested and accrued rights to the use of water, etc.," was then taken up.

The House amendments to said bill were concurred in.

A communication was received announcing that the House had concurred in Council amendments to (H. F. No. 62) requiring the auditor of public accounts and territorial and county treasurers to give bonds.

Councilor Thurber reported that the committee appointed by concurrent resolution had waited upon His Excellency, Governor Emery. His Excellency deemed it unnecessary to send any communication at this late period of the proceedings, but recommended them to proceed as usual, and announced that he was prepared to co-operate with them in the adoption of such measures as would best promote the public interests.

Recess to 2 p.m.

2 p.m.

Council resumed its session.

Councilor E. Snow, chairman of committee on counties, reported back H. F. No. 73, "Organizing San Juan County," with proposed amendments and recommended its passage as amended.

A communication was received, announcing that the House had passed C. F. No. 21, "Apportioning the waters of Great Salt Lake to the counties bordering thereon," without amendment.

C. F. No. 35, "Amending an Act regulating the mode of proceedings in criminal cases," passed second and third reading and title approved and the bill so passed.

Councilor Smoot submitted the following report:

Your committee on municipal corporations and townsites, to whom was referred H. F. No. 57, "A bill amending charters of incorporated cities," herewith report the same back with amendments, and ask that it be put upon its passage as amended.

H. F. No. 73, "Providing for the organization of San Juan County, and defining the boundaries thereof," was taken up, its title amended to read: "A bill providing for the organization of San Juan county, and changing the boundaries of Emery County," and the bill so passed and was sent to the House for its concurrence in the amendments.

Councilor Harrington, chairman of the committee on judiciary, reported back H. F. No. 13, "To amend section 1732 of the Compiled Laws of Utah," and recommended its passage without an amendment.

Councilor Wells submitted the following report:

Your committee of conference, appointed to consider amendments to H. F. No. 54, "Concerning imprisonment for contempt," would recommend that the Council recede from said amendment. The title to the bill to remain as amended by the Council.

On motion of Councilor Caine, the report was adopted, and the Council receded from said amendment.

Councilor Wells submitted the following report:

Your committee on conference, appointed to consider amendments to H. F. No. 54, "Concerning imprisonment for contempt," would recommend that the Council recede from said amendment. The title to the bill to remain as amended by the Council.

On motion of Councilor Caine, the report was adopted, and the Council receded from said amendment.

Councilor Wells submitted the following report:

Your committee on conference, appointed to consider amendments to H. F. No. 54, "Concerning imprisonment for contempt," would recommend that the Council recede from said amendment. The title to the bill to remain as amended by the Council.

On motion of Councilor Caine, the report was adopted, and the Council receded from said amendment.

Councilor Wells submitted the following report:

Your committee on conference, appointed to consider amendments to H. F. No. 54, "Concerning imprisonment for contempt," would recommend that the Council recede from said amendment. The title to the bill to remain as amended by the Council.

On motion of Councilor Caine, the report was adopted, and the Council receded from said amendment.

Councilor Wells submitted the following report:

Your committee on conference, appointed to consider amendments to H. F. No. 54, "Concerning imprisonment for contempt," would recommend that the Council recede from said amendment. The title to the bill to remain as amended by the Council.

On motion of Councilor Caine, the report was adopted, and the Council receded from said amendment.

Councilor Wells submitted the following report:

Your committee on conference, appointed to consider amendments to H. F. No. 54, "Concerning imprisonment for contempt," would recommend that the Council recede from said amendment. The title to the bill to remain as amended by the Council.

On motion of Councilor Caine, the report was adopted, and the Council receded from said amendment.

cancel and destroy the same, and appointed Messrs. Fisher and McKinnon on behalf of the House.

On motion of Councilor Thurber, the resolution was amended so as to read, after the word "warrant," "And compare them with the Auditor's books, and if found correct, to destroy said warrants."

Councilor Harrington submitted the following report:

Your committee on judiciary, to whom was referred C. F. No. 33, "An act to amend an act entitled 'An act regulating the mode of procedure in criminal cases,' respectfully report that as all its provisions are incorporated in C. F. No. 35, which has this day passed the Council, your committee therefore report said bill back and recommend that it do not pass. Report adopted.

H. F. No. 13, "To amend section 1732 of the Compiled Laws of Utah," passed.

Council adjourned to the regular hour on Monday.

Communications were received, announcing that the House had passed H. F. No. 74, "To change the boundary of Lehi City and to amend the charter thereof." And that the House had concurred in Council amendment to House concurrent resolution in relation to examination, cancellation and destruction of redeemed auditor's warrants.

The President appointed Councilors Merrill and Thurber the committee called for in said resolution on the part of the Council.

Councilor Harrington, chairman of the committee on judiciary, reported C. F. No. 36, "Providing for the adjournment of courts in certain cases."

Councilor Smoot, Chairman of the committee on agriculture, trade and manufactures reported a substitute for C. F. No. 28, "Providing for an appropriation to encourage the manufacture of sugar," and asked that the substitute bill be put upon its passage.

C. F. No. 36, "Providing for the adjournment of courts in certain cases," passed its first, second and third reading, was amended, title approved and bill passed.

H. F. No. 74 "Amending an act incorporating Lehi City," etc., was taken up on its first reading and referred to the committee on municipal corporations and townsites.

Proceedings in progress.

HOUSE.

Thursday, Feb. 12, 1880.

A message from the Council was received stating that that body had passed H. F. No. 54, "Amending compiled laws of Utah," with amendments.

A motion was carried that a conference committee be appointed on the proposed amendments to H. F. No. 54.

The Speaker appointed Messrs. Fisher, Penrose and Francis said committee.

A message from the Council announced that body had passed C. F. No. 16, "To incorporate Park City."

On motion of Mr. Dusenberry, C. F. No. 16, "To incorporate Park City," was referred without reading to the committee on municipal corporations, etc.

Mr. Hatch, chairman of counties, presented the following report:

Your committee on counties to whom was referred petition of W. C. Britt and 136 others, praying for a county to be organized in the eastern portion of Wasatch County, have had the same under advisement, and report favorably to their petition, and present the accompanying bill, and ask that it be put upon its passage.

H. F. No. 68, "To organize Uintah County," was read and passed.

Mr. Smith, chairman of agriculture, etc., presented the following report:

Your committee on agriculture, trade and manufactures, to whom was referred eight petitions upon the subject of foul brood in bees, respectfully report the accompanying bill on that subject, and recommend its passage.

(H. F. No. 69) "A bill to provide for the encouragement of bee culture," was read the first, second and third times, and passed.

Mr. Johnson, chairman of fish and game, presented the following report:

Your committee on fish and game, to whom was referred the petition of P. Madsen & Sons, respectfully ask leave to report that we deem it inadvisable to grant said petition.

We also submit the accompanying bill amending the fish and game laws, and ask that it be put upon its passage.

(Continued on page 58.)