

THE LEGISLATURE.

COUNCIL—FEB. 10.

At 2 p. m. Wednesday the Council was called to order, and, after the usual opening exercises, the journal of Tuesday was read and adopted.

A communication from the House was received announcing that C. F. No. 15, a bill in relation to the manner of determining disputed county boundary lines, had been passed by that body; referred to the committee on counties.

A second communication from the House announced the passage of the substitute to H. F. No. 24, a bill to prevent the spread of malignant diseases among sheep; read by its title and referred to the committee on agriculture.

Also a message from the Governor returning H. F. No. 30, in relation to bail, without his approval.

Mr. Sharp from the joint conference committee on the disagreements in regard to H. F. No. 26, reported that they had agreed to the Council's substitute; report adopted.

Mr. Page, from the committee for asylum for the insane, reported back C. F. No. 26, a bill in relation to the Insane Asylum, with amendments, and recommended that it, as amended, be put on its passage. Adopted and the bill placed on file for second reading.

Mr. Barton presented C. F. No. 35, a bill in relation to trusts; read the first time by its title and referred to the committee on judiciary.

C. F. No. 17, a bill amending section 56, chapter 54, session laws of 1884, in relation to proceedings in justices' courts, being the special order of the day, was read the third time and passed.

C. F. No. 29, a bill to provide revenue for the Territory of Utah and the several counties thereof, was also a special order for Wednesday.

Mr. Francis moved to add the words due and owing" to section 3.

Mr. Hammond asked the gentleman to add another amendment which would explain the one proposed.

Mr. Sharp would not vote for the amendment; the assessors of the various counties had put their own construction on these words found in the old law. How these words became part of that perhaps some may remember; one thing was certain, they were vague and meaningless.

Mr. Barton was opposed also, on the ground that so many constructions had been placed on these words.

The amendment was lost.

Mr. Barton and Mr. Hammond introduced a number of amendments to sec. 18, which were adopted.

Mr. Taylor moved to strike out of section 19 the words "of non-residents and persons unknown." He was not in favor of selling the property of absent and unknown persons for delinquent taxes; he would give an equal chance to all; asked further time to prepare amendments to this section. Granted.

Mr. Taylor moved to strike out of section 21 the words "one and one-half per cent. per month interest," allowed the purchaser when the owner redeemed his property, that had been sold to satisfy delinquent taxes. Considerable discussion ensued on this and Mr. Hammond's motion, to allow the delinquent six months instead of two years in which to redeem his property. The time of two years and one per cent. per month interest was finally agreed to.

Mr. Grover moved to strike out the words "county clerk" from sec. 28 and insert the words "county court," thus making the section to read that the collectors of the various counties should make their annual settlements with the county courts in their respective counties. The discussion of this amendment showed that the judges of probate and county clerks had been considered by the electors good and lawful men to represent them in the Legislative Council, which in the present instance is largely composed of such. The clerks, however, being in the minority, failed in their opposition to the motion, and the words "county clerk" were accordingly stricken out; so the collectors will have to make their annual settlement with the county courts.

Mr. Hammond offered a lengthy amendment to the last section of this bill, and, with the understanding that several important amendments would be made on the third reading, the bill passed its second reading.

The substitute for a bill to prevent the befooling of waters, etc., passed its second reading and was filed for final passage.

C. F. No. 26, a bill in relation to the Territorial Insane Asylum, was read and placed on file.

C. F. No. 30, amending section 817, chapter 8, title 11 of the code of civil procedure, was read the third time and passed, and the House notified. The bill reads as follows:

A bill amending Section 6, Chapter 46, Laws of Utah, 1884.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

That Section 6, Chapter 46, Laws of Utah, 1884, entitled "An Act Relating to Fire Insurance Companies," is hereby amended to read as follows:

It shall be lawful for any number of persons to associate themselves together for the establishment of a Fire Insurance Company in this Territory, and they shall be deemed a body corporate authorized under the laws of the Territory to transact fire insurance business, on complying with the provisions of Chapter 1 of Chapter 46 Laws of Utah, 1884, relating to corporations for general purposes; Provided, That it shall not be lawful for any such company to transact a fire insurance business in this

Territory unless it shall have a capital of not less than one hundred thousand dollars, twenty-five per cent. of which shall have been paid up, and shall have complied with the provisions of this Act.

At 5 p. m. the Council adjourned.

AFTERNOON SESSION, FEB. 10.

At the hour appointed the House again assembled, and Hon. Abraham Hatch, the speaker *pro tempore*, who so ably presided over the deliberations of the morning session, resumed the speaker's desk. The House being again settled, resumed the consideration of the House bill, regulating the herding, branding and care of stock and punishing certain offenses concerning the same. The bill was read by sections by the chief clerk. When the first section, which contained fifteen lines, had been read, an exceedingly interesting and animated debate ensued. Some of the opposers of the measure thought that the bill was formulated simply in the interests of the stock owners of this county; while others contended that the first section, if it became part of the proposed law, would work much hardship to the owners of stock. Others again argued that the section as its provisions then stood was none too strong and that it ought to pass. Mr. Farnsworth, who is the father of the bill, in a meek, but dignified, manly manner defended this section, which had elicited so much discussion and opposition. The section was ultimately amended, and at 3:10 passed. Section 2 passed, but section 3 was stricken out. Other sections were amended. At 4:10 the reading was completed and the bill was filed to come up again in its order.

The Council notified the House that it had passed a bill to amend Sec. 56, chap. 44, laws of 1884; read by title and referred to the committee on judiciary.

The insolvent debtors' bill next came up on its third reading, and had occupied 20 minutes in its consideration when a motion to postpone further consideration of it indefinitely prevailed, and the bill was laid on the table. This closed the special order of the day.

Mr. Young presented a report of the chancellor and board of regents of the Deseret University for 1884-5, which was referred to committee on education.

Mr. McLaughlin sent up a petition from citizens of Park City, asking \$3,000 to build a road on Summit and Wasatch counties. Referred to committee on highways.

Mr. Thurman presented a petition from citizens of Pleasant Grove in relation to the boundary lines of said city; referred to the committee on corporations and townships.

Mr. Houston presented a petition from Panguitch, asking aid for the repairing of a road in Garfield County; referred to the committee on highways.

A report from the committee on claims and public accounts in relation to the claim of Jos. D. Smith—\$22.50—recommended that it be allowed; adopted.

B. Ferguson's claim, \$280, was not allowed.

E. T. Sprague was allowed \$130 instead of \$270 claimed for legal services rendered as clerk of the Supreme Court of the Territory. Reasons for the cutting down were given by the chairman of the committee. The chairman also stated the reason for not allowing the claim of Mr. Ferguson—that the law provides that the county court shall fix and pay the salaries of such officials.

Several other reports from committees were read and adopted.

Mr. Young made a motion to instruct the committee on fish and game in relation to fishing, in Mill Creek and other streams in Salt Lake County; adopted.

About 2:30 p. m. Mr. Hatch was called away on important business, and Hon. Jos. A. West occupied the chair from that time till 4 p. m., when Mr. Hatch again returned and took the chair for the remainder of the day.

After a long debate on the time to which adjournment should be taken, the House adjourned at 5:05 p. m. till 10 o'clock a. m., on Thursday.

FEB. 11TH.

Pursuant to adjournment the House met at 10 o'clock this morning, and was called to order by the Speaker. After the usual opening exercises, Mr. West was excused from attending the morning session.

A petition from a number of citizens of Salt Lake County, asking that stock owners may be restricted from allowing stock to run at large to the detriment of farmers, and that stock owners be made responsible for all damages by stock thus done, was referred to the committee on agriculture.

A petition from the wives and mothers of Utah, in relation to the widespread evils caused by the sale and use of intoxicants, was referred to the committee on manufacture and commerce.

Mr. Hatch presented a petition from citizens of Wasatch County, asking that \$3,000 be appropriated to build a road along Provo River, from Heber City to Jones' store, in Wasatch County; referred to the committee on highways.

Mr. Farnsworth presented a petition from Beaver, in relation to purchasing a safe, for the keeping of the records of the Second District Court, and asking means for that purpose; referred to the committee on ways and means.

Mr. King moved that the counties

which had previously received appropriations for road and bridges furnish the House with a report of the manner in which they have been expended since the 26th session of the Legislature; carried.

Mr. Thurman called the attention of the speaker to the fact that the members for Salt Lake county were all absent, and asked if they had permission. The speaker replied that when all the members were present he would call the question up.

The Council bill pertaining to highways was next considered. It provides that all roads, streets, alleys and bridges, laid out or erected by the public are highways, and that all such roads, streets, etc., laid out or erected by others than the public and dedicated or abandoned to the use of the public are highways. The same section provides also that a highway shall be deemed and taken as dedicated and abandoned to the use of the public when it has been continuously and uninterruptedly used as a public thoroughfare for a period of five years. It further provides that no right shall accrue to any person using private property as a private by-way, other than as may be granted in writing by the owner of the fee.

This last named proviso elicited a great deal of discussion, and was finally stricken out.

Section 3, as amended by the Council, makes it a misdemeanor to drive stock through sections of country where there are roads laid out through improved lands but no fence on either side, unless such lands are thrown open to the public for grazing purposes. A motion to strike out that part of the section resulted in a tie vote.

By section 5, whenever any corporation owning a toll bridge, or turnpike, plank or common wagon road, is dissolved or discontinued or has expired by limitation, the bridge or wagon road has become a highway, and section 6 decides that a road not worked or used for a period of five years ceases to be a highway. These provisions passed by unanimous vote. The bill is very lengthy, and contains twenty-nine sections. Much of it relates to county courts, supervisors, assessors and collectors and payment of poll tax. Two days' work of eight hours each, or in lieu thereof, three dollars lawful money, annually, is required of every man over twenty and under fifty years of age, who are not physically incapacitated to work. Delinquent poll taxes can be collected, and no property of the delinquent is exempted from being levied upon for the purpose. One good feature of the bill is, that it exempts men from paying poll tax when they reach the fiftieth year of their age, instead of continuing to pay this kind of tax until they are three score years old.

At 12:15 p. m. section 13 was reached, when the House took a recess until 2 p. m.

COUNCIL—FEB. 11.

At 2 p. m. the president's gavel fell upon the table, and after the call of the roll and prayer by the chaplain, the journal of Wednesday was read and adopted.

Mr. Shurtliff was excused on account of sickness in his family; also Mr. Francis, who was engaged on committee work.

A message from the House was read, notifying the Council that the Representatives had indefinitely postponed the further consideration of C. F. No. 32, a bill to provide for the assignments of insolvent debtors.

Mr. Grover, from the committee on agriculture, reported back the substitute for H. F. No. 24, a bill to prevent the spread of malignant diseases among sheep, recommended that the bill be read by its title and placed on file for second reading; adopted.

Mr. Barton, from the committee on counties, reported back the substitute for C. F. No. 15, a bill to determine the manner of defining disputed county boundary lines, recommended that the House amendments be not concurred in, and asked for a committee on conference; report adopted and House notified.

Substitute for H. F. No. 24, a bill to prevent the spread of malignant diseases among sheep was then taken up on its second reading. This bill provides for the appointment of an inspector of sheep and defines his duties; also for the payment of said inspector by fees to be paid by the owners of the sheep inspected.

The reading of this bill caused much amusement. Mr. Grover was opposed to the bill because he thought it would cause litigation among the sheep men and bring the inspectors into trouble, and in its present shape would fail in the object aimed at. The sheep industry was becoming a business of importance in the Territory, the men who were engaged therein were men of intelligence and they conducted their business in such a manner that would bring the best results. It was to their interests to keep their flocks free from disease, and he would move that the further consideration of this bill be postponed indefinitely.

Mr. Taylor said he had had some experience as a sheep herder, and would like the further consideration of this bill postponed. There were some good points in it and he thought that it might be so amended that it would meet the objects desired.

Mr. Barton said this bill was a substitute for another; it was faulty in nearly every section, was not what is needed, and he thought it would be better to frame a new measure.

Mr. Page was opposed to the bill in

its present shape. He would favor a good bill, and he was of the opinion that some such measure in regard to the sheep industry was needed in this Territory.

Mr. Sharp could not vote for the bill in its present form. The sheep industry of the Territory had become of such importance, that any bill that would prevent the spread of diseases among sheep, and regulate the manner of their inspection and removal from one locality to another; in fact, a bill that would fully accomplish all the good that was desired, would receive his support.

Mr. Grover's motion to postpone indefinitely the further consideration of this substitute was put and carried.

A message from the House was read, announcing the appointment by that body of Messrs. Hatch and McLaughlin as the committee on conference on the substitute to C. F. No. 15, the bill to determine the manner of defining disputed county boundary lines. The President appointed Messrs. Barton and Grover on the part of the Council.

A message was received and read, informing the Council that the House had passed H. F. No. 43, a bill appropriating \$20,000 for the deficiencies of the Territorial Insane Asylum; read by its title and referred to the committee on the asylum for the insane.

Mr. Sharp moved that the third reading of the revenue bill be postponed for to-day; carried.

C. F. No. 26, a bill to amend section 2, chapter 34, session laws of 1884, in relation to the Territorial Asylum for the insane, was read the third time, the title amended and passed, and the House so notified.

A communication from the House was read, announcing the passage by that body of substitute to H. F. No. 33, a bill to restrain bulls from running at large at certain seasons of the year.

Mr. Taylor said he desired to ask the members of the committee to carefully consider this bill. When it was first placed on his desk he had drawn his pen through most of its provisions, because of its apparent local application; but the author of the bill had informed him that it was only obligatory in Rich County, but it could be made so in all other counties by a two-thirds vote of the electors thereof. The people of Rich County were every year annoyed with several hundred of scrub bulls from Wyoming running at large. The people of that county were engaged in raising blooded stock, and the bill in question was to protect them in so doing; referred to the committee on agriculture.

Adjourned at 3:30 p. m.

HOUSE—FEB. 11.

At 2 p. m. the House resumed business. On motion of Mr. King, the highways bill was made the special order for Friday.

A message from the Council notified the House that it had amended the Council bill relating to the code of civil procedure; the bill was read and referred to the committee on judiciary. The Council file amending section 6, chapter 46, laws of 1884, was read once and referred to the committee on private corporations.

House bill No. 22, in relation to amending the laws on private corporation, was read the second time, after which the rules were suspended and the bill taken up for its third reading, but considerable debate being aroused on the subject, its further consideration was postponed till Friday.

A message from the Council stated that it did not concur in the House bill in relation to disputed boundary lines and asked for a committee on counties. Messrs. Hatch and McLaughlin were appointed on behalf of the House.

House bill 43, making appropriations for deficiencies of the Territorial Insane Asylum, next claimed the consideration of the House. It was read the third time by sections, and passed.

This bill appropriated \$20,000 to make up the following amounts: Borrowed money, \$13,000; for Territorial portion, care and maintenance of indigent insane, \$3,548.85; for miscellaneous liabilities, \$3,451.15. Total, \$20,000.

The House bill in relation to bulls running at large at certain seasons of the year—that is from January 1st to July 1st in each year, inclusive, was read the third time, amended so as to make it applicable to all others as well as Rich County in this Territory, passed by a unanimous vote, and sent to the Council.

A message from the Council stated that it had appointed Councilors Barton and Grover to confer with the House committee in reference to a substitute for C. F. 15, in relation to disputed boundary lines.

Another message informed the House that the Council had postponed indefinitely further consideration of the House bill to prevent the spread of malignant diseases among sheep.

The bill providing for a Territorial board of equalization was the next thing that came upon the tapis. This bill provides that the board shall consist of seven persons, namely, the Secretary of the Territory, the Territorial Auditor of Public Accounts, and the Probate Judges of Salt Lake, Utah, Sanpete, Weber and Cache counties. The second section was amended by striking out Territorial Auditor of Public Accounts and Secretary of the Territory, and adding the words Probate Judges of Beaver and Summit counties. The bill requires the board to meet at the county court house in Salt Lake City at 12 o'clock, noon, on the second Monday of September of each year.

Section 5 originally read: "Said board of equalization shall prepare a

report, making such changes in the assessed valuation of the different classes of the property, in any county, by increasing or decreasing the same to such per cent. as they may deem just and equitable; provided that the county court of any county where the property is proposed to be increased as to its assessed valuation shall have due notice to appear by agent, and resist such increase, if such court so desire."

But the amendments made to it were so huge and numerous as to almost annihilate the original section, and its author or formulator could not recognize it. Many amendments were also made to several other sections, and after animated debates, the bill was lost by a vote of 10 to 8.

The sergeant-at-arms was instructed to bring the absent members of the House for Salt Lake County to the bar of the House.

The Council notified the House that it had passed C. F. No. 26, relating to the asylum for the insane; read and referred to the committee on insane. Also that it had passed substitute for C. F. No. 32, to prevent the befooling of waters, etc.; referred to the committee on public health.

Mr. Farnsworth was excused from attendance until the 16th instant.

At 4:17 p. m. the House adjourned till 2 p. m. on Friday.

COUNCIL—FEB. 12.

On Friday the Council was called to order at 2 p. m., and after the usual opening exercises, the journal of Thursday was read and approved.

Mr. Grover, from the committee on agriculture, reported back H. F. No. 33, a bill to prevent the running at large of bulls during certain seasons of the year, with amendments, which were read; the bill was placed on file for second reading and ordered to be printed.

Mr. Hammond moved that when the Council adjourn it shall be till Monday at 2 p. m.; carried.

C. F. No. 29, a bill to provide revenue for the Territory of Utah and the several counties thereof, was then taken up on its third reading.

Mr. Page gave notice that he would offer amendments to the first section making the Territorial tax three mills on the dollar instead of four, and for the counties five mills instead of six, and proposed to add to the section "and not exceeding one mill on the dollar for road purposes in the various counties."

During the discussion of this bill many important amendments were added, among which were the exemption of household furniture to the value of \$200, also making the bonds of the assessor and collectors the same.

Mr. Hammond moved that sec. 15 be amended so as to make it a misdemeanor for any person to refuse to be sworn or give a statement of his taxable property under oath to the assessor.

The time of qualifying and entering upon the duties of the assessor and collectors was changed so as to give these officers more time to secure bondsmen, as in some of the counties these bonds were for enormous amounts. The county courts in their various counties were created a board of equalization and given power to remit or abate the taxes of insane, idiotic and infirm persons to any amount not exceeding \$10 for the current year. When section 19 was reached the further consideration of this bill was made the special order for Monday next.

A message from the House was read, announcing their rejection of C. F. No. 13, a bill to provide for a Territorial board of equalization.

Mr. Barton from the committee on conference, in relation to the amendments to the bill for determining disputed county boundary lines, reported that the joint committee had adopted the House amendments report; adopted. The bill was read and passed, also referred to the committee on enrollment.

Adjourned.

FEB. 12TH.

At 2 p. m. this afternoon the Speaker called the House to order. The introductory proceedings being over, the business of the session commenced. H. G. Whitney, chief clerk of the House, was excused from attendance to-day, and Mr. John Boyden acted as substitute. Messrs. McLaughlin and Hatch were excused to attend a conference committee.

Mr. Thurber and Mr. Woolley were also granted leave of absence till Monday.

Mr. Houston presented a petition from the ex-assessor and collector of San Juan County, which was read and referred to claims and public accounts committee.

Mr. Lund presented a petition from citizens of Emery county, asking aid to build a bridge; referred to committee on highways.

A telegram was received by the Speaker, announcing that Hon. John Rider was prevented by sickness from being present to-day.

Mr. Thurman presented a report from the committee on claims and public accounts, recommending that the claim of Zera Snow for \$100 for legal services, and that of Beaver County for \$1,062.49, be not allowed; adopted.

The same committee recommended that the claim of John W. Turner, for \$718.25, expended by him in the Hopt trial, in procuring witnesses, be allowed; adopted.

The claim of John M. Zane, clerk of Third District Court, of \$1,141.35 was also recommended to be allowed.

The committee on manufacture and