

UTAH LEGISLATURE.

COUNCIL.

Tuesday, Mar. 7, 1882, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Counselor L. Snow, of the committee on elections, reported back the petition of Sidney Hudson and others, and considered it unnecessary to legislate farther upon the subject. Report adopted.

Councilor Smoot, of the committee on agriculture reported back H. F. 30, to protect resident stockmen and ranchmen and provide for recording marks and brands; also H. F. 66, in relation to barbed and other fences, and recommended that they be rejected. Report adopted.

Councilor Smoot, of the committee on revenue, reported back H. F. 63, in relation to cancelling warrants, without amendments, and recommended its passage.

Councilor Smoot, of the committee on agriculture reported back H. F. 73, to encourage the manufacture of sugar, with amendments and recommended its passage.

Councilor Wells, of the committee on judiciary, reported back C. F. 33, designating certain holidays containing the Governor's suggestions, and recommended its passage.

Councilor Caine, of the committee on education, reported back C. F. 23, providing revenue for district schools, and recommended a substitute bill licensing certain vocations and professions in the several counties; three-fourths of the revenue to be paid into the county school fund.

Councilor Cluff, of the committee on railroads, reported back H. F. 25, amending sections 480 and 489 of the Compiled Laws, with amendments.

H. F. 32, providing for fees of jurors in civil cases was read. Councilor E. Snow moved to refer the bill back to the committee on judiciary to see if any system could be adopted to make the civil business bear its proportion of the mileage as well as the per diem. The bill was referred.

H. F. 77, a bill to enforce the civil rights of the Territory, was read and passed.

H. F. 75, a bill concerning the duties of county clerks, was read, amended and passed.

H. F. 81, to amend section 181 of the Compiled Laws of Utah was read and passed.

H. F. 65, for punishing cruelty to animals was read and referred to the committee on judiciary.

H. F. 68, forbidding county and territorial treasurers and collectors to discount warrants, and providing for the cancellation of warrants was read and passed.

H. F. 73, to encourage the manufacture of sugar, was read as amended by the committee, Councilor Wells moved to further amend by making it compulsory for the sugar to be raised in the year when the award was to be given. Bill passed its third reading.

Recess to two p.m.

2 p.m.

Councilor Caine presented six remonstrances from 194 citizens of Park city and vicinity against the passage of any bill to incorporate

C. F. 33, the bill designating legal holidays, was read and passed.

H. F. 25, amending sections 480 and 489 of the railroad act, was read and passed.

H. F. 48, for the appointing of a committee on the revision of the laws of Utah, was read and passed.

H. F. 71, extending the right of suffrage and giving females the right to hold office, was read and passed.

C. F. 35, a bill amending section 43, chapter 2, title 3, of the election laws, was read and passed.

H. F. 10, for amending the school bill, was read and referred.

By unanimous vote, Councilor Cluff introduced a petition from E. P. Ferry and 74 business men and merchants of Park City, expressing a desire that Park City be incorporated, and asking speedy and favorable action on the bill now before the Legislature. Referred to the committee on municipal corporations and townships.

By unanimous consent, Councilor Smoot presented a claim of Z. Snow, stating that he had been attorney-general until the passage of the Poland bill, and since then he has been constantly called upon by territorial officers for counsel in territorial matters, and asked for compensation therefor. Judge Snow stated that the last Legislature voted him \$500 for such services as he had rendered the two years previous. Referred to the committee on claims.

Benediction by the chaplain. Council adjourned until Wednesday at 2 p.m.

Wednesday, February 8, 1882.

2 p.m.

Council met pursuant to adjournment.

Councilor Barton, of the committee on counties, to whom was referred the petition of Joseph M. Ecks and others, remonstrating against the change of the county seat of Piute county, reported that as there was no bill before the Legislature for this purpose, no action now be taken.

Councilor Smoot, of the committee on revenue, reported on the House bill creating a bureau of statistics, stating that the provisions contained in the bill are insufficient for the purpose designed, and recommended a substitute bill, which was read and referred.

Councilor Caine, of the committee on municipal corporations, reported back H. F. 55, the bill to incorporate Park City, and stated that they had examined the bill and the petitions for and against the bill, and considered that though the granting of the charter might work hardship upon some, the general good to the inhabitants there would more than offset any such hardship, and recommended that it pass.

Councilor Caine, of the committee on education, reported back H. F. 10, in support of district schools. Amended.

Councilor Smoot, of the committee on agriculture, reported back H. F. 82, to prevent bulls from running at large in Morgan County, and deeming it undignified legislation, recommended that it do not pass. Report adopted.

H. F. 64, to amend certain sections of the laws of 1878 and 1880 in relation to the collecting and remitting of taxes, was read and referred to committee on revenue.

Recess until 7 o'clock p.m.

7 p.m.

Councilor L. Snow, of the committee on library, reported back the bill for the distribution of copies of the Compiled Laws with amendments. Laid on the table to come up in its order.

Councilor Smoot, of the committee on revenue, reported back the concurrent resolution on delinquent taxes, and recommended that all delinquent taxes previous to 1876 be remitted; it was laid on the table to come up in its order.

The committee on judiciary reported back H. F. 65; the bill in relation to cruelty to animals, and recommended its passage; it was laid on the table to come up in its order.

The committee on judiciary reported back H. F. 32, providing for the fees of jurors in civil cases, and recommended its passage; it was laid on the table to come up in its order.

The committee on judiciary reported back H. F. 26, a bill to protect and establish the property rights of married women, and recommended its passage; it was laid on the table to come up in its order.

A message from the House stated that the Governor had recommended amendments to H. F. 31 and H. F. 28; that they had passed bills in conformity with his suggestions; and also that they concurred in the Council amendments to C. F. 55, the bill incorporating Park City.

The substitute bill for H. E. 31, relating to territorial sealers of weights and measures was read and passed.

The substitute bill for H. F. 23, to amend title 20 of the Compiled Laws, was read and referred to the committee on judiciary.

The substitute resolution was then taken up and read. The resolution was adopted.

A message was received from the House, stating that the Governor had recommended amendments to the bill defining the duties of the Auditor of Public Accounts, and that the House had adopted them. The bill was read and passed.

H. F. 37, a bill in relation to negotiable instruments was read and passed.

C. F. 37, a bill in relation to intoxicating liquors was read, amended and passed. This was a substitute for C. F. 11, the which was disapproved by the Governor.

H. F. 42, a bill providing for a Territorial Board of Equalization was read and amended, and referred to the committee on judiciary.

H. F. 44, to amend section 5, chapter 22 of the Laws of 1880, was read and passed.

The House concurrent resolution regarding the distribution of copies of the Compiled Laws, was read as amended, and passed.

The Governor notified the Council that he had disapproved of the bill creating the office of territorial statistician, as it conflicted with some portions of the Organic Act.

Also reported their recommendation to reject the resolution respecting the collection of delinquent territorial taxes. The resolution was rejected.

Also recommended the passage of the bill C. F. 22, in relation to dogs.

The committee on municipal corporations and towns recommended that the petition of Jesse W. Crosby and 59 others asking for a city charter for Panguitch, be not granted in consequence of the veto of the Governor in relation to the bills to incorporate the cities of Silver Reef and Nephi and that incorporating villages, and not having a correct description of the section of the country to be included in the said city of Panguitch. Adopted.

Also concerning the bill to incorporate Kanab, the committee reported amendments including in the bill the towns of Rockville and Toquerville. The bill was filed for third reading.

Mr. Preston, from the appropriations committee, reported favorably upon passage of the bills Nos. 84 and 85, appropriating moneys out of the territorial treasury for purposes therein mentioned. Filed.

The committee on public health, by Mr. Page, reported favorably upon the Council bill in relation to quarantine. Filed.

The judiciary reported amendments to the bill to establish and protect the material rights of married women. Filed for third reading.

The claims committee, by Mr. Penrose, recommended that \$133,32, be appropriated to the relief of Geo. M. Brown, in the matter of uncollected Territorial taxes; also \$75 to Joel Ricks for services as Sub-Treasurer of Cache County; and \$255.25 to James Jack for certain accounts, vouchers for which were attached. Amounts allowed.

The committee also reported their approval of Rich County report, and recommended that it be sent to the printer. Adopted.

The judiciary reported favorable upon the passage of the bill in relation to costs in criminal cases. Placed on the general file.

By permission, Mr. Sharp presented a bill prescribing the fees of the Secretary of the Territory in certain cases, which was read twice by the title and placed on the general file.

By Mr. Francis: "Resolved, the Council concurring, that 500 copies of the financial reports of the several counties be printed in pamphlet form, for distribution among the members of the Legislative Assembly and the respective officers of the several counties, and that the reports be made a part of the Journal." Adopted.

Mr. Partridge presented a resolution appointing a special commissioner at the present Assembly to inquire into irrigation matters, collecting all information practicable from this and other territories and states, compile and publish the same and report to the Assembly in 1884. The sum of \$1,000 is appropriated to defray expenses attending such labors. Read and filed for second reading.

The following were read by title and placed on the general file: The

tax notices and the amount of taxes to be remitted to indigent persons, was read and discussed.

The bill was finally amended so that the total remission of taxes should not exceed ten dollars, and passed—ayes 21.

Council bill, 22, in relation to taxing dogs, was passed—ayes 22. Title amended to read, a bill providing a tax on dogs.

Council bill in relation to quarantine was read and passed—ayes 21. Title approved.

A message from the Governor stated that H. F. 68, to amend sections 839, 944 and 960 of the Compiled Laws had been approved and filed with the Secretary.

H. F. 90, above reported, to incorporate the towns of Kanab, Toquerville and Rockville, was taken up and passed—ayes 18. Title approved.

House took recess till 7 p.m.

7 p.m.

The rules were suspended and the House bill 37, in relation to negotiable instruments was taken up and considered. The bill defines a negotiable instrument and provides that it shall be paid only in money but may be with or without date or designation of the time or place of payment. There are six classes of such instruments, viz: Bills of exchange, promissory notes, bank notes, checks, bonds and certificates of deposits. The endorsement of a note is presumed to be made for a valuable consideration, and the endorser is liable for the face of the note if he does not qualify by the words "without recourse." A bill not accepted within ten days after its presentation for payment is deemed to be dishonored. Days of grace are not allowed.

Foreign bills may be protested before two reputable persons in case the services of a notary public cannot be obtained. Promissory notes payable on sight or demand without interest if not duly presented for payment within six months from its date the endorsers thereof are exonerated unless such non-presentment is excused.

The act goes into force upon publication six times in the daily and twice in the semi-weekly DESERET NEWS. The bill passed, ayes 17. Title approved.

The rules were suspended and the substitute for the holiday bill, suggested by the Governor was taken up. The bill was amended to read as follows: That the following days are hereby designated and declared to be legal holidays in the Territory of Utah to wit: The first day of the week commonly called Sunday, the first day of January; the 22nd day of February; the 30th day of May, commonly called decoration day; the 4th of July; the 24th of July, commonly called pioneer day; the 25th of December, commonly called Christmas day, and all days which may be set apart by the President of the United States, and the Governor of Utah Territory by proclamation as days of fast or thanksgiving; provided, that when any of said days shall fall on Sunday the following Monday shall be the holiday. The bill passed—ayes 17, title