

UTAH LEGISLATURE.

COUNCIL.

Thursday, Feb. 23, 1882.

Council met pursuant to adjournment.

Roll Called. Quorum present.

Prayer by the chaplain.

Councilor E. Snow presented a petition from Edward Hunter and 24 others, asking for further legislation to foster and protect the bee industry, with copy of a bill recommended for passage.

The bill suggested in the petition provides that the county court of each county shall appoint one or more inspectors, the choice of the beekeepers in such county, biennially. When complaint is made that foul brood exists, the inspector shall examine the apiary and wholly destroy the bees, the combs and the hives of such foul brood, after nightfall. If any beekeeper among his bees neglects to destroy the same, he shall be liable to a fine of from five to fifty dollars, the county courts shall pay the expenses of the inspectors, and the suggestions of a majority of the beekeepers of each county shall be respected by the court.

Councilor Murdock presented the remonstrance of Joseph Meeks and 64 other citizens of Piute County against changing the county seat of that county.

Two messages were received from the Governor: The first stating his approval of C. F. 10, amending section 1750 of the Compiled Laws, and of his disapproval of C. F. 3, amending section 1444. The reason for the latter was that \$50 was considered too meagre an amount to be exempt from execution as the 60 days' earnings, but if the amount was increased to \$100, the bill would be signed.

A message was received from the House of Representatives that H. F. 18, for incorporating villages, as amended by the Council, had not been passed; that H. F. 56, a bill for the preservation of game, had been passed; that C. F. 14, to incorporate Silver Reef, had passed; that C. F. 31, providing for county sealers of weights and measures, had passed; that H. F. 61, changing the boundaries of Payson City, had passed, and H. F. 22, amending certain sections of the Compiled Laws, had passed.

The bill providing for county sealers of weights and measures was read the first time and referred to the committee on trade and manufacture.

A bill to change the boundaries of Payson City was read and referred to the committee on municipal corporations.

A bill amending certain sections of the irrigation laws, was read and referred to the committee on irrigation and canals.

A message from the House was then read, stating that H. F. 58, amending section 504 of the Compiled Laws, and H. F. 60, amending section 534 had been passed.

H. F. 58 was read and referred to the committee on railroads.

H. F. 60 was read and referred to the committee on judiciary.

C. F. 3, the bill recommended by the Governor to be amended, was taken up and the recommendation adopted.

H. F. 2, amending the irrigation law, relieving irrigating companies of the expense of publishing notices in newspapers, was passed.

H. F. 18, providing for incorporating villages, as reported back from the House and the amendments concurred in, except the one which struck out the amendment of the Council, limiting the fine to less than one hundred dollars, this being a provision of the Poland bill, was insisted upon by the Council, and a conference committee consisting of Councilor Murdock was appointed to meet a like committee from the House.

Councilor Wells' resolution in relation to a constitutional convention was taken up and read. A suggestion was made that it be referred to a committee, but Councilor Wells expressed a wish to have immediate attention given to the matter, that the committee be appointed at once, active steps be immediately taken, as the session was rapidly drawing to a close.

Councilor E. Snow moved to strike out the words "the threatened special bill" before the word "legislation" as he thought the whole intent and object of the resolution was expressed without these words and that it would read just as well.

Councilor Wells said that a great deal of the legislation threatened is inimical—it is providing for tak-

ing away the suffrage of the people, and it is because of this threatened inimical legislation that the resolution asks for a committee to take into consideration certain matters. Our rights, dearer than life, are threatened, and the Councilor could see nothing out of place in the words moved to be stricken out. The words are necessary to express just what was the opinion of Councilor Wells on the matter.

The motion to strike out those words was carried and the resolution adopted.

Benediction by the chaplain. Council adjourned until 2 p.m. on Friday.

Friday, Feb. 24, 1882, 2 p.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the chaplain.

Councilor Smoot, of the committee on trades and manufacturers, reported back H. F. 31, providing for county sealer of weights and measures; H. F. 8, amending section 415 of the Compiled Laws; also C. F. 24, relating to bee inspectors. These bills were laid on the table to come up in their order.

Councilor Thurber offered a report from Jens Jensen and Emanuel Bagley, the Territorial Commissioners of the Salina Canyon and Meadow Valley wagon road, containing the disbursements on said road, and stated that a road is now open from county to county, but that it ought to have more means expended on it to make it a good road.

Councilor Murdock presented a claim from Thomas E. Taylor, for deficiency in the appropriation for printing in 1880, amounting to \$91.95.

Councilor Caine presented the new charter for Salt Lake City. Referred to the committee on municipal corporations.

Councilor Caine presented a bill to establish and protect the legal identity of married women, giving them the right to hold property and appeal to courts in their own names against any unjust usurpation after marriage the same as the husband has.

H. F. 8, the bill to amend section 415 of the Compiled Laws was taken up and read.

This amendment is to change the present law which places the age at 18 months, when calves may be termed estrays, to 12 months.

Councilor Cluff was not much in favor of the amendment, for though it might benefit the people in the southern part of the Territory, in the region where he lives the present law is good enough.

Councilor Thurber thought it wholly incompetent for the Legislature to confiscate the property of persons running on the public domain in any way whatever, and thought the present amendment might benefit the large stockowners, who make it a business of seeing that their stock are branded early, it would place the few head of stock of the poor people more at the mercy of cattle thieves.

Councilor Murdock was in favor of trying the experiment, though he did not know that it would remedy the evil. It might make the owners of young stock more careful.

Councilor Smoot said the strongest argument brought in favor of the amendment was that in the rounding up drives, which take place about June, there are always parties lurking around to pounce on all stock not reclaimed and not branded. He would heartily support a law governing these drives, which should occur at certain places and be advertised. Stock is now driven 50 miles away from the place where they belong, and after the large stock owners have gotten all they claim, the rest of the cattle, calves and colts are turned out and followed by thieves and branded with their brands.

The vote on the second reading of the bill was a tie—4 against 4, and was lost.

The bill was re-committed to the committee on agriculture, with Councilor E. Snow added, to draft a bill to cover the points spoken upon by the councilors.

H. F. 21, providing for county sealers of weights and measures, was taken up and passed its third reading.

Messages were received from the House, as follows:

Concurring in the Council amendment to H. F. 2, amending chapter 4, title 11.

Concurring in the Council amendment to C. F. 3, as recommended by the Governor.

Concurring in the Council amendment to H. F. 18.

That the bill incorporating Nephi City had been passed with a slight amendment.

That a resolution had been passed to print 2,500 copies of the report of the Regents of the University of Deseret with the Territorial Superintendent of District Schools.

The bill in relation to protecting bee culture was read, amended, and referred to the committee to be printed.

H. F. 51, changing the boundaries of Payson City, was read and passed with a slight amendment.

Benediction by the chaplain. Council adjourned until 10.30 a.m. on Saturday.

HOUSE.

Thursday, Feb. 23, 10.30 a.m.

The House met as per adjournment.

The Journal of Tuesday's proceedings was read and approved.

The following petitions were presented:

By Mr. Hatch, from Joel Hicks, subtreasurer of Cache County, for relief for services. Referred.

By Mr. Farr, from W. B. Childs, et al., citizens of Weber County, for an appropriation to build a bridge over Weber River. Referred.

The committee on claims, by Mr. Penrose, chairman, concerning the claim of Milano Pratt and others, for an appropriation to balance expenditures in the publication of the Deseret Alphabet, reported that as the claim should rather be presented to the Board of Regents of the University, the committee recommended that the petitioners have leave to withdraw the claim for presentation to said board.

Mr. Johnson, from the enrollment committee, reported the following as having been correctly enrolled and on Feb. 22 presented to the Governor for his approval: H. F. 34, to authorize the consolidation of railroad companies and the leasing of railroads; also the resolution instructing the auditor of Public Accounts to lease certain rooms for offices for treasurer, auditor, librarian, recorder of marks and brands, and sealer of weights and measures. Adopted.

The judiciary, by Mr. Booth, reported amendments to H. F. 28, the civil practice act, and recommended its passage as amended. The bill was placed on file.

Introduction of bills: By Mr. Partridge, to provide punishment for cruelty to animals was read first time, by title and referred to the committee on agriculture.

By Mr. Francis, with regard to barred and other wifences. Read by title and referred to the committee on agriculture.

Special order, H. F. 14, to incorporate Silver Reef City, pending its third reading, was taken up, and on motion passed—ayes 19. Title approved.

Special order, H. F. 32, relating to a jury fund in civil cases, through not being printed, as ordered was made the special order for Friday.

Second reading of bills: H. F. 28, to amend title 20, Compiled Laws of Utah, was read, and made the special order for Friday morning.

General file: H. F. 31, a bill providing for county sealers of weights and measures, was taken up, who shall be appointed by the county court to serve for two years and appointed biennially thereafter. He shall procure at the expense of the county a complete set of U. S. standard weights and measures by which all vendors of certain articles shall have their weights and measures sealed, for which a specified fee shall be paid. Several amendments were made to the bill which was then passed—yeas 18. Title approved.

H. F. 61, to change the boundaries of Payson City, was read. The bill amends the corporate limits to include an area of three miles by two and three fourths. Passed—yeas 19. Title approved.

H. F. 54, (substitute) a bill amending section 4 of title 3 of the Compiled Laws, relating to county jails, was read. The amendment permits the counties to erect more than one county jail, in case of emergency, and provides that the sheriff or constable shall be jailor. Further consideration of the bill was postponed until this afternoon, whereupon the House took a recess until that hour.

By permission, Mr. Booth presented a report from the committee on municipal corporations and towns, recommending the passage of Council bill 18, incorporating the city of

Nephi. Report accepted and the bill passed its first and second readings by title and was placed on the general file.

The consideration of House bill 59 relating to county jails, was resumed.

Mr. Stout moved to strike out the enacting clause of the bill. Too many jails were like too many stray pounds. A man has to hunt through stray pounds about as long to find his cow as it would take him to find her on the range. Some people naturally gravitate towards a jail, and consequently when there are so many jails, it is difficult to keep track of the man wanted.

Mr. Booth said such a measure was almost a necessity in some counties, and was therefore in favor of it. The clause was stricken out.

House bill 64, to amend section 18 of chapter 8 of the laws of 1878, concerning revenue, was taken up and referred to the judiciary committee.

House bill 58, in relation to the consolidation of railroad companies running parallel lines, was read and passed—ayes 14. Title approved.

H. F. 60, to amend section 534 of the Compiled Laws, was read and passed—ayes 17. Title approved.

H. F. 38, on motion, was taken from the table. The bill relates to the running at large on summer ranges of bulls, stud horses, rams, etc., except in the cases of precinct or co-operative herds.

Mr. Stout moved to strike out the enacting clause, as the bill was almost identical with the present law. As the result of the short debate that followed, the enacting clause was stricken out.

Mr. Dusenberry suggested the advisability of amending the rules in conformity with the general practice of reading bills the first and second times in the same order of business.

The House adjourned till Friday, 10.30 a.m.

Benediction. The House met as per adjournment. The Speaker in the chair.

Journal read and approved.

A communication from the Governor was received, stating that the following bills had been approved and filed with the Secretary:

H. F. 3, to provide for the appointment of justices of the peace in case of vacancies; No. 21, to amend the charter of the City of Lehi; No. 29, to change the boundaries of Tooele City; No. 35, to amend the charter of Spanish Fork City; No. 40, to change the name of Mr. Stonehouse and others; and No. 41, to change the boundaries of American Fork City.

The following petitions were presented:

By Mr. Booth, from Geo. M. Brown, collector of Utah County, having been properly certified to, for relief for services. Referred without reading.

By Mr. Peterson, from Hyrum Seelye, for relief for services in holding an examination in a murder case in Thistle Valley. Referred without reading.

The ways and means committee, by Mr. Peery, concerning H. F. 54, to divert the three mills on the dollar school tax to the erection of the University and reform school buildings, that they disapprove of the bill, and therefore recommend its rejection. On motion the report was accepted and the recommendation adopted.

The committee on elections, by Mr. Snow, the chairman, reported back a substitute for the House bill 16, prescribing the time and manner of electing municipal officers. Report accepted.

The substitute grants to municipalities having laws concerning the times of holding elections, privilege of continuing under their provisions. The original bill, introduced by Mr. Jacques, legislated concerning the elections of all cities, irrespective of their existing laws.

The committee on municipal corporations and towns, by the chairman Mr. Booth, concerning the petition of John H. Hougard and 106 others asking for a change in the boundaries of the city of Manté, Sanpete county, reported that the committee had considered the petition favorably and introduced a bill in conformity therewith. The report was accepted and the bill filed.

The committee on library, by Mr. Dalton reported favorably upon the resolution offered by Mr. Hatch for the distribution to the various counties of the surplus copies of the Compiled Laws of Utah now in the library, and also recommended that \$1,000 be appropriated to make ad-

ditions to the library, to secure a complete set of New York and California State reports, to exchange State documents with all States wishing to exchange, and to dispose of certain documents unbound at present lying in the cellar under the library. The report after considerable discussion was referred back to the committee with instructions to report a concurrent resolution appointing a committee to act upon the disposing of the documents recommended to be disposed of.

The committee on highways, by Mr. Peterson chairman, reported adversely on the petition of J. G. Chambers and others asking amendment to the poll tax law exempting from liability all over 45 years of age. Adopted.

Also upon the petition of Oliver DeMill and 106 others asking an appropriation of \$5,000 to construct a wagon road in Southern Utah, reported their recommendation to appropriate the sum of \$1,000 provided that Kane county also expend a like sum for the same purpose. The petition and report were referred to the committee on appropriation.

The committee on counties, by Mr. Hatch, reported unfavorably on the petition of Joseph Wright and 90 others asking the removal of the county seat of Piute county from Junction to Koosharem. Adopted.

The claims committee, by Mr. Penrose, chairman, reported their recommendation to appropriate \$40 each to the relief of Joel Spillsbury and Richard Fry, territorial subtreasurers, asking for relief for services rendered in 1878-9. Adopted and the appropriation ordered.

Bills introduced: By Mr. Booth to amend sections 589, 944, and 960 of the Compiled Laws. Read and referred to the judiciary, with permission to print.

By Mr. Francis to amend sec. 4, of chapter 19 of the laws of 1880. Read and referred to the committee on education.

The substitute for H. F. 16, above reported, prescribing the time and manner of electing municipal officers was read and adopted.

H. F. 67, above reported, to change the boundaries of Manté City, was read and filed.

Special order, H. F. 23, to amend title 20 of the Compiled Laws, the Civil Practice act) was then considered.

Pending its reading, recess was taken until 2 p.m.

2 p.m.

The consideration of the special order No. 23, the Civil Practice Act, was resumed.

A number of amendments were made, when the bill passed—ayes 17. Title amended to read, "A bill to amend title 20 of the Compiled Laws of Utah."

The Council notified the House that they had concurred in the House amendments to Council bill 14, to incorporate Silver Reef City.

Also to H. F. 57, to change the names of Lauritz Christensen and sons to Breinholt.

Also that House bill 2, to amend chapter 4 of title 11, of the law relating to irrigating companies (in their publication of notices to stockholders) had been amended.

The Council had also adopted an accompanying resolution appointing a committee to call a constitutional convention. The resolution was filed.

The Council amendments to the irrigation companies' bill, were concurred in by the House.

Other communications stated that the Governor had approved of the following: C. F. 10, to amend section 1750 of the Compiled Laws. His Excellency did not approve of Council bill 3, exempting but \$50 of the debtor's earnings from execution. In his estimation the amount was too meagre and stated that if it were placed at \$100, the line would receive his approval.

The Council had concurred in the Governor's suggestion, and upon motion the House did also.

Also that the Council maintained their amendments to the House bill 18, to incorporate villages, and therefore asked for a committee of conference appointed on the part of the House, to act with Councilor Murdock. The House upon consideration concurred in the Council amendments and the Council was so notified.

A communication from the auditor was received, suggesting the advisability of transferring the 7,000 pounds safe now in the Auditor's Office to the First District Court at Ogden and procuring one for the Auditor of less dimensions, weighing about 4,000, which would be