

LEGISLATURE.

COUNCIL.

Monday, March 10.

Council met at 2 p.m., President Cluff in the chair.

Minutes of previous session were read, amended and approved.

Mr. F. S. Richards presented a petition from the directors of the Ogden and Wyoming Railway (a line from Ogden to the Wyoming coal fields.) The petitioners state that they have expended a large sum of money on surveys for said line, and that, owing to the stringency of the money market and other causes, they have been unable to carry on the work as required. They, therefore, pray the Legislature to pass an act extending the time for the completion of the same. Received and referred to the committee on private corporations.

The chief clerk read a communication from the House, enclosing a message from the Governor, amending H. F. No. 43. The House had adopted the amendments, and forwarded the same for the action of the Council. Received and bill referred to the committee on judiciary. On motion, the matter was considered forthwith in committee.

Mr. Hammond submitted a report from the committee on education in reference to C. F. No. 62. The committee enclosed a substitute for said bill, and recommended its passage. Accepted and the substitute adopted.

Mr. Grover, for the committee on municipal corporations and towns, reported on H. F. No. 57 amended, and on H. F. No. 79 without amendment, recommending their adoption. Received and bills tabled to come up in their order.

Mr. F. S. Richards presented a report from the committee on judiciary in regard to C. F. No. 55, for the protection of animals from injury by the use of barbed wire in the construction of fences. The committee reported adversely on the bill, believing that further legislation on the subject to be unnecessary. Accepted, and recommendations adopted.

Also, from the committee on judiciary, a report on H. F. No. 62, advising its passage. Read, and bill tabled, to be further dealt with.

C. F. No. 68, substitute bill for C. F. No. 62, amending sections 4, 7, 8, 11, 19 and 21 of chapter 19 of the laws of 1880, was taken up on its first reading. On motion, the bill was read the first and second times by title; and, on further motion, the rules having been suspended, it was read the third time and passed.

There being no objections, Mr. Barton introduced a bill, C. F. No. 69, amending the charters of incorporated cities. The measure was read the first and second times by its title, and referred to the committee on municipal corporations and towns.

H. F. No. 62, providing for the support of poor persons unable to earn a livelihood through idleness, lunacy or otherwise. The bill was read the third time and passed.

Mr. F. S. Richards, for the committee on judiciary, offered a report on H. F. No. 43, relating to the procedure of probate courts in the settlement of estates and in guardianships. The committee had examined the amendments and found them to be principally clerical, and recommended their adoption. Read and amendments concurred in.

H. F. No. 57, to incorporate Wells-ville City, amended in committee, was next taken up on its third reading. The amendments were adopted, and the bill read and passed.

Mr. F. S. Richards, for the committee on judiciary, presented a report on C. F. No. 52, for the disorganization of irrigation districts. The committee reported that, since the passage of the code of civil procedure, the bill in question had become unnecessary. Received, and suggestions adopted.

C. F. No. 60, a bill to encourage, assist and develop the sinking of artesian wells, was taken up on its third reading, pending which, The Chief Clerk read a communication from the House announcing the passage of C. F. No. 64, amending an ordinance to incorporate the City of Manti, amended; C. F. No. 65, amending an act incorporating Mount Pleasant City, San Pete County, amended; and C. F. No. 54, providing for assignment by insolvent debtors, amended. Received, and the amendments, having been considered, were concurred in.

The Chief Clerk read a message from the Governor referring to C. F. No. 33, prescribing qualifications for electors and office holders, providing for the registration of voters, and regulating the manner of conducting elections, signifying his intention to file the bill without approval of the same with the Secretary of the Territory.

Mr. Page gave it as his opinion that the Governor should be asked his reasons for withholding the vetoed bill. He should certainly be in favor of the message lying on the table until this was ascertained.

Mr. Hammond said, in substance, that, knowing their constituents expected them to legislate upon election matters, and that, under the political circumstances of the moment, it was the question of all others of the greatest importance they would have to deal with during the session, they had drawn the bill up with the greatest care and fairness, so as to give every lawfully qualified American citizen, without distinction, an opportunity of exercising the right of the franchise. And yet the bill, after having passed both Houses of the Legislature, had been disapproved. What the Govern-

ment by this he could not say, but it was clear he should have understood his duties in this respect according to the law and have returned the bill. He was not in favor of spreading the message upon the minutes of the Council or, indeed, taking much notice of it, for he did not wish to aggravate the political situation. What they wanted was fair and open elections, that they might enjoy with others the privileges of American citizens; but to attain this thing would not legislate away any right they possessed for any political party. It was well known their constituents had sent them there on the understanding that they would secure electors some control in these matters, but not to legislate away a single right that belonged to them. If Congress thought proper to do so, they might, but he did not think they would do any such thing. He considered that the proper course to pursue under the circumstances was to let the message lie on the table, and the Governor would then see for himself what disposition had been made in regard to it.

Mr. Taylor believed the measure disapproved of covered all the points of the Edmund's law and every other law in the United States legislating in the same direction. He did not, however, believe that all those laws were constitutional.

Several resolutions were formulated touching the ultimate disposal of the message, when Mr. Grant finally tendered the following resolution: That the Governor's communication be tabled until such time as said communication is made complete by the return of the bill (C. F. No. 33) as by law required. Adopted.

A communication was read from the House advising the Council of the passage of C. F. No. 63, relating to fire insurance companies, amended. Received, and the amendments having been considered, were concurred in.

Also a second communication amending the passage of H. F. No. 81. Read, and bill taken up.

H. F. No. 81, in relation to mortgages on personal property, was read twice by title, and referred to the committee on judiciary.

Mr. Barton, for the committee on counties, reported on the subject of apportioning the legislative representation of the Territory of Utah. The committee had thoroughly examined the question, and enclosed a bill, C. F. No. 71, bearing on the subject and dividing representation into twelve council districts, and twenty-four representative districts. The measure was read twice by title, and the rules having been suspended, was read the third time, debated by sections, amended, and passed.

There being no objections, Mr. Woolley introduced a bill, C. F. No. 71, authorizing county courts to grant licenses. He thought it would meet the Governor's objections to a former measure. Read twice by title and referred to the committee on judiciary.

Council adjourned until to-morrow at 2 p.m.

Tuesday, March 11th, 1884.

Council met at 2 p.m., President Cluff in the chair.

Minutes of previous session were read and approved.

Mr. Grant was accorded leave of absence owing to sickness.

C. F. No. 60, a bill to encourage the sinking of artesian wells in the desert lands of Utah Territory, was taken up on its third reading on Monday, but dropped pending the consideration of other business. The bill provides that the sum of \$10,000 shall be appropriated from the Territorial Treasury and expended for the purpose, subject to the order of persons designated in the bill. The sum of \$2,500 will be given in aid to any county desirous of sinking an artesian well, provided said county, after choosing a location, shall deposit a like sum for the same purpose in the county treasury. The location is subject to the approval of commissioners. The bill was read by sections, amended and passed.

Mr. Grover, for the committee on agriculture, reported on C. F. No. 29, enclosing a substitute bill, and recommending its passage. Received and suggestion adopted.

C. F. No. 72, a bill for the protection of stock raisers, was taken up, read the first and second times by title, and laid on the table to come up in its order.

Mr. F. S. Richards introduced a bill, C. F. No. 73, regulating the mode of procedure in criminal cases. The measure passed its first and second readings by its title, and the rules being suspended, was read the third time, debated by sections, amended, and passed; ayes 9, absent 2.

Mr. Hammond, there being no objection, introduced a bill, C. F. No. 74, amending an act to incorporate Logan City. Read the first and second times by title, and the rules having been suspended, the measure was read the third time and passed.

Mr. Grover, for the committee on municipal corporations and towns, offered a report on C. F. No. 69. The committee referred the bill back without amendment, recommending its passage. Read, and bill tabled to come up in its order.

Mr. Page presented a report from the committee on highways in reference to the petition of S. M. Molen and others, residents of Cache and Box Elder Counties, asking for an appropriation of \$1,000 for road making purposes. The committee, having examined the petition, advised that the sum be granted. Received, and recommendation adopted.

Mr. Woolley brought up a report from the committee on mines and min-

ing in reference to C. F. No. 59, relating to easements for mining claims. The committee were of opinion that the bill revising the code of civil procedure had made provision for all that could be accomplished by the bill reported on, and therefore advised its rejection. Received, and suggestion adopted.

Mr. Hammond submitted a report from the committee on education referring to H. F. No. 52, to the effect that they were divided as to the advisability of the measure, and herewith returned it without recommendation. Received and bill tabled until called for.

The chief clerk read a communication from the House signifying their adoption of the report of the joint committee of conference on C. F. No. 19, and the passage of C. F. No. 51, providing for the organization of telephone companies, unamended. Received.

There being no objection, Mr. F. S. Richards introduced C. F. No. 75, relating to proceedings against fugitives from justice. The bill was read the first and second times by its title, and referred to the committee on judiciary.

C. F. No. 81, authorizing County Courts to grant licenses, was next taken up on its third reading and passed.

Mr. F. S. Richards, for the joint committee on conference, reported the recommendations of the committee that the House recede from its amendments to C. F. No. 19. Received.

C. F. No. 53, creating and incorporating the University of Utah, providing for the disposal of university lands, etc., was made a special order for to-morrow.

Mr. Grover submitted a favorable report from the committee on ways and means referring to H. R. No. 30, that the auditor of public accounts be and is hereby authorized and directed to assume the amount of \$11,166.21 to be the warrants outstanding on January 1st, 1884, and to make corresponding entries upon his books. Received, and resolution concurred in.

The chief clerk read a communication from the House notifying the Council of the passage of C. F. No. 67 amended, and of H. F. No. 75, forwarded for their action thereon. Read and bills considered.

C. F. No. 67, relating to the estates of decedents, as amended was concurred in.

H. F. No. 75, for regulating the right to and distribution of water for domestic, irrigation and mining purposes, was read the first and second times by its title and referred to the committee on irrigation.

C. F. No. 72, for the protection of stock raisers, was taken up on its third reading and passed.

The chief clerk read a communication from the Governor, returning C. F. No. 33, prescribing qualifications for electors, etc., requesting that the Territorial Secretary might be permitted to make a copy of the same. Received, and request complied with.

C. F. No. 69, a bill amending the charters of incorporated cities, referring to water rights for irrigating and manufacturing purposes, and the power to levy and collect taxes therefor, was read the third time and passed.

Mr. F. S. Richards, for the committee on judiciary reported on C. F. No. 66, a bill relating to betterments on real estate, to which there are conflicting claims as to title. The committee had considered the bill, and realizing that they had not the time this session to seriously weigh the subject matter thereof, reported it back without recommendation. Received, and bill laid on the table indefinitely.

Mr. F. S. Richards presented a report from the committee on private corporations in regard to the petition of the directors of the Ogden and Wyoming Railway, praying for an extension of time to prosecute certain work. The committee noted that section 1889 of the Revised Statutes of the United States precluded the Territorial Legislature from interfering in the matter. Concurred in.

Council took a recess until 6 p.m.

On resuming, the Chief Clerk read a communication from the House advising the Council of the passage of H. F. No. 41, C. F. No. 44, H. F. No. 82 and C. F. No. 68. Amended. Received, and bills proceeded with.

C. F. No. 68, amending sections 4, 7, 8, 11, 19 and 21, chapter 19 of the laws of 1880. Taken up for consideration of House amendments, was concurred in.

H. F. No. 41, an act compiling and amending the law relating to private corporations, was read the first and second times by its title, and referred to the committee on private corporations.

H. F. No. 82, incorporating Morgan City, in Morgan County, was read twice by its title, and referred to the committee on municipal corporations and towns.

H. F. No. 1, for filling a vacancy in the office of Territorial Delegate to Congress, etc., was read twice by its title, and referred to the committee on elections.

H. F. No. 52, authorizing Provo school district No. 1, in Utah County, to issue bonds for the purpose of building a school house, reported by the committee without recommendation, and taken up on its third reading, was amended. On being put to the vote the bill was not passed—5 ayes, 3 votes, 3 absent.

Mr. Woolley called up the petition of Wm. Reeves, assessor and collector of Davis County, asking for relief for delinquent taxes during the last 14 years, amounting to \$567.82. The petition had been referred back from the committee on claims favorably. Mr. Woolley, however, considered it a bad precedent

to legislate on claims so far anterior to date. Such claims ought to be allowed or rejected by each succeeding Legislature and not allowed to hang on from one to another *ad infinitum* as these had. Petition recommitted.

Mr. H. J. Richards presented a petition from the inhabitants of Summit County. Referred, without reading, to the committee on highways.

Mr. Hammond reported for the committee on enrollment, that C. F. No. 54, providing for assignments by insolvent debtors; C. F. No. 63, relating to fire insurance companies; C. F. No. 64, amending an ordinance to incorporate the city of Manti, and C. F. No. 65, amending an act incorporating Mount Pleasant, Sanpete County, had been duly enrolled and forwarded for approval.

Council adjourned till 10 a.m. to-morrow.

Wednesday, March 12.

Council met at 10 a.m. President Cluff in the chair.

Mr. Woolley presented a report from the committee on mining concerning H. F. No. 48, advising its passage. Received, and bill tabled to come up in its order.

Mr. Grover, for the committee on municipal corporations and towns, reported on H. F. No. 82, recommending the passage of the same. Received, and bill tabled to be further dealt with.

Mr. F. S. Richards offered a report from the committee on judiciary referring to C. F. Nos. 6 and 49, and H. F. No. 69 relating to change of name. The committee enclosed a substitute bill for the above, recommending that it be adopted and put upon its passage. Received and, after consideration, substitute adopted.

Mr. Grover presented a report from the committee on agriculture in regard to H. F. No. 78. The committee were divided as to the ultimate disposal of the bill. Accepted, and bill tabled to be further dealt with.

C. F. No. 76, a substitute bill for bills considered in committee, changing the names of Christian Anderson to Christian Franson, Hans Olsen to Hans C. Ansen, Louis Strusberg to Louis Strassburg, Alexander Hedquist to A. S. Anderson, Olof Andehlin to Olof A. Andelin and J. Conrad Naile to J. Conrad Nagle. Read the first and second times by title, and under suspension of the rules, read the third time and passed.

The Chief Clerk read a communication from the House signifying the passage of C. F. No. 73, regulated the mode of procedure in criminal cases; also the passage of H. F. No. 83. Read and consideration of House bill proceeded with.

H. F. No. 83, compiling the laws relating to the incorporation of irrigation companies. Read the first and second times by title and, under a suspension of the rules, the third time by sections, and passed.

Mr. F. S. Richards, from the committee on judiciary, reported on C. F. No. 75, with a recommendation that it be put on its passage. Read and, there being no objections, the bill was proceeded with.

C. F. No. 75, relating to proceedings against fugitives from justice, was taken up on its third reading. The measure specifies a reward for the arrest of fugitives from this Territory, and provides for the extradition of criminals from other States and Territories. Amended and passed. 9 ayes, 2 absent.

Mr. Barton brought up a report from the committee on irrigation on H. F. No. 75, amended, and passage recommended. Accepted and bill tabled to come up in its order.

H. F. No. 48, providing for the health and safety of persons employed in coal mines, was taken up on its third reading. The bill was debated, amended and passed.

The chief clerk read a communication from the House notifying the Council of the rejection of C. F. No. 60, to encourage the sinking of artesian wells, and C. F. No. 70, apportioning the legislative representation of the Territory of Utah. Received.

Also a communication from the House announcing the passage of C. F. No. 76, for change of name, and H. F. No. 73, and the rejection of C. F. No. 61, relating to the location and protection of mining claims. Received and House bill proceeded with.

H. F. No. 73, amending an act to incorporate Provo City, was read by its title, and the rules having been suspended, was read again by sections and passed.

Council took a recess until 2 p.m.

Council resumed session at 2 p.m.

Minutes of previous session were read and approved.

The chief clerk read a message from the Governor, enclosing C. F. Nos. 64 and 41, requesting that they might be slightly amended. Received and amendments considered.

C. F. No. 64, amending an ordinance incorporating Manti City, taken up for consideration of amendments, was concurred in.

C. F. No. 41, amending the charter of Payson City, amended, was also concurred in.

A communication was received from the House advising the Council of the passage of C. F. No. 71, authorizing county courts to grant licenses, and H. F. Nos. 32, 74 and 80. Received and bills tabled to be further dealt with.

Mr. F. S. Richards, there being no objection, introduced C. F. No. 77, a bill amending an act to incorporate Ogden City. The measure was read the first and second times by its title, and under suspension of the rules, was read the third time and passed.

Mr. Grover, for the committee on judiciary, reported on H. F. No. 41. The committee recommended that the bill be put on its passage. Received, and, on motion, the bill was taken up.

H. F. No. 41, compiling and amending the laws relating to private corporations, was read the third time by sections and passed.

There being no objections, Mr. Hammond introduced a bill C. F. No. 78, amending an act incorporating Logan City, which was read twice by its title.

The rules having been suspended, the measure was read again by sections and passed.

Mr. Woolley presented a report from the committee on elections referring to H. F. No. 1, recommending its passage. Read, and bill tabled to be further dealt with.

Mr. Heyborne, of the committee on contingent expenses, reported that the amount of contingent expenses up to date was \$519.72. Accepted and the sum named ordered to be placed on the appropriation bill.

The Chief Clerk read a communication from the House signifying the passage of C. F. No. 77, amending an act to incorporate Ogden City, and C. F. No. 75, relating to proceedings against fugitives from justice. Received.

H. F. No. 1, a bill to fill a vacancy in the office of Territorial Delegate to Congress, was taken up on its third reading and passed.

A communication was next read from the House advising the Council of the reception of a message from the Governor who suggested certain amendments to the following measures: H. F. Nos. 64, 4, 53 and 65, all of which had been concurred in by the House, and were now forwarded for the action of the Council. Received and bills taken up for consideration of amendments.

H. F. No. 64, granting to Lehi City certain powers, as amended, was concurred in.

H. F. No. 4, authorizing limited partnerships, as amended was concurred in.

H. F. No. 65, granting to American Fork certain powers, as amended, was concurred in.

H. F. No. 53, amending the charter of Spanish Fork City, as amended, was concurred in.

The chief clerk read a communication from the House announcing the passage of C. F. Nos. 57, 16 and 78, amended, and H. F. No. 57. Received and amendments considered.

C. F. 57, amending section 9, chapter 21, of the laws of 1880, as amended, was concurred in.

C. F. 16, amending sections 2, 3 and 13, of the laws of 1880, as amended, was concurred in.

On motion, H. F. 75, for regulating the right to and distribution of water for domestic, mining and manufacturing purposes, was read and placed on file.

Mr. Heyborne presented a report from the committee on contingent expenses for services rendered, amounting to \$540. Received, and on motion, the sum was placed in the appropriation bill.

Mr. Page, for the committee on highways, reported on the petition of Alma Eldridge and 126 others, praying for an appropriation to assist in improving the wagon road through Parley's Park cañon to Park City, saying that owing to the petition being received so near the end of the session, and the appropriation being made up, they would recommend that it be laid on the table. Received, and recommendations not adopted.

On motion, \$1,000 was placed in the appropriation bill to be expended in equal parts by Salt Lake and Summit Counties in repairing the road in Parley's cañon and Parley's Park in said counties.

C. F. No. 53, creating and incorporating the University of Utah, providing for the disposal of University lands, and authorizing the University of Deseret to transfer its property to the University of Utah, was taken up on its third reading, as the special order of the day. Pending its reading, on motion the measure was laid on the table indefinitely.

H. F. No. 57, incorporating Wells-ville City, was read the first and second times by its title, and under suspension of the rules, read again by sections and passed.

The chief clerk read a communication from the House notifying the passage of H. F. No. 84. Received and bill proceeded with.

H. F. No. 84, abolishing the office of surveyor general, was read twice by title, and the rules having been suspended, was read the third time by sections and passed.

Council took a recess until 6 p.m.

Minutes of previous session were read and approved.

The Chief Clerk read a communication from the House referring to the passage H. F. No. 85, and the adoption of H. R. Nos. 31 and 32.

On motion the special business of the session was proceeded with.

H. F. No. 75, for regulating the right to and distribution of water for domestic irrigation, mining and manufacturing purposes, was again taken up on its third reading by sections. Considerable discussion ensued, resulting in the bill being condemned as on undesirable measure. On motion it was tabled indefinitely.

H. F. No. 78, to encourage and protect the interest of woolgrowers and for other purposes, was read the third time by sections. A motion to table indefinitely was lost. After further consideration, on being put to the vote, the measure was lost.