

THE LEGISLATURE.

COUNCIL—JAN. 18.

At 2 p. m. the Council met, and after the usual opening exercises the journal of Friday last was read and adopted.

Reports from standing committees were called for, and Mr. Sharp reported from the committee on judiciary in relation to H. R. No. 12, recommending a substitute and put on its passage a bill appointing the following commissioners to compile the laws of Utah: Hon. A. L. Thomas, F. S. Richards, LeGrand Young, W. W. Maughan and Adam Speirs.

Messrs. Hammond, Sharp, Barton and Taylor explained the difference between the substitute and the original bill, and made some points in favor of compiling the laws of Utah. They believed there would be no two opinions as to the need for this work to be done, a compilation and a reprint of our law had become a necessity. The members of the Legislature could, by appointing this commission, be free to do the work of the session in the time allotted for them to work in.

Adopted on motion of Mr. Barton. On motion of Mr. Sharp the rules were suspended, and the bill appointing the commission to compile and reprint the Laws of the Territory of Utah was read the second time.

Mr. Francis moved that B. Sheeks be substituted in place of Adam Speirs, but it met with no second.

The bill was then read a third time. The Council then went into executive session, and in a short time the bill was passed.

HOUSE—JAN. 18.

At the hour appointed the House was called to order by the Speaker. The roll was called, a quorum present. After prayer by the chaplain, the minutes were read, amended and adopted.

Mr. McCullough presented a petition from the citizens of American Fork concerning the "incorporation of American Fork City." Read by title, and referred to the committee on incorporations.

The report from standing committees was next called for.

Mr. Hatch, from the judiciary, presented a bill for "the selection and payment of jurors," intended as a substitute for the bill on the same subject previously offered by Mr. Thurman. The bill provides that the mileage shall be increased to 20 cents per mile instead of 12 cents as in Thurman's bill. It also contains other amendments. The bill was then read by its title and made the special order for Thursday, 21st instant.

The speaker announced that he had a communication from the Governor which was read, the purport of which was that the Territory is in debt to the government for the maintenance of prisoners in this Territory, and in His Excellency's opinion its not being cancelled places the Territory in the attitude of repudiating the debt. The chief clerk read communications from the treasury department containing statements of the alleged indebtedness, the total of which is \$269,139.19. It was spread upon the minutes and referred to the committee on claims and public accounts.

A communication was read from the Territorial Auditor in relation to the payment of warrants, which was referred to the committee on appropriations.

Communications from the Council were read informing the House that the Council had passed a bill amending an act incorporating Smithfield. The bill was received and referred to the committee on municipal corporations.

A bill amending the session laws, sec. 14, chap. 9, of 1880, was reported from the Council, and referred to the committee on highways.

A bill from the Council amending chap. 45, secs. 4 and 6, of session laws of 1884, was received and referred to the committee on private corporations.

Mr. Hatch presented a bill entitled, "Bill on Live Stock," which was read by its title and referred to the committee on live stock.

A bill by Mr. Woolley for amending the session laws of 1884, was presented, read by title and referred to the committee on agriculture and irrigation.

Mr. King presented a bill providing further punishment for sexual crimes; read and referred to the committee on judiciary.

The same gentleman also presented a bill providing for the establishment of a free public library in incorporated cities and towns in the Territory of Utah, under the laws of the Territory. Read the first time and referred to the committee on education.

Mr. Creer presented a bill amending section 21, chap. 9, of Session Laws of 1884, in relation to irrigation; read by title and referred to the committee on agriculture and irrigation.

Mr. Thurber presented a bill to amend the act incorporating Sevier City. Read by title and referred to the committee on incorporations.

A communication was read from the Auditor of Public Accounts in relation to the distribution of the laws of Utah; filed for future reference.

A communication from the Council in relation to a resolution by that body entitled "a substitute for the House resolution for the compilation of the laws," was received, read by the chief clerk, adopted, and referred to the committee on judiciary.

The resolution appointed Messrs. A. L. Thomas, F. S. Richards, LeGrand Young and Willard W. Maughan, Esqrs., a committee for the compilation.

The bill to amend the mode of procedure in criminal cases was then read the second time. On motion of Mr. Creer, the rules were suspended, and the bill was read the third time, and on motion of Mr. Thurman the bill passed unanimously. The act thus amended was approved February 22, 1878.

Mr. Thurman offered a resolution, the Council concurring, that the clerks of the District Courts in this Territory furnish the Legislature information in regard to the amount of fines collected for offenses, in the District Courts, and that the clerks who furnish said information shall receive for their services \$5 per day.

After some discussion in regard to the amount of pay for the clerical work required, the resolution was adopted as read. Mr. Smoot presented the biennial report of the directors, and the annual report of medical superintendent of the Territorial Asylum; referred to the committee on asylum for the insane.

This completed the business of the day. The House then adjourned, and the various committees commenced their sittings.

COUNCIL—JAN. 18.

The following bills were presented the first time and referred to the various committees:

By Mr. Sharp, providing for a Territorial board of equalization.

By Mr. Barton, apportioning the legislative representation of the Territory of Utah.

By Mr. Page, determining disputed county boundary lines.

Mr. Sharp asked that Mr. Grover be excused till Wednesday next. The gentleman was so excused.

Tuesday, Jan. 19, 2 p. m.

Council met pursuant to adjournment. After the usual opening ceremonies, the journal of the previous day's proceedings was read and adopted.

Mr. Haybourne presented a petition from Piute County, asking for an appropriation to improve roads and bridges in said county; referred to the committee on highways.

Mr. Hammond reported from the judiciary on C. F. No. 6, amending Sec. 5, allowing the products of the farm and garden to be sold free of license.

Mr. Barton, from the committee on counties, reported C. F. 15, amended and referred back, determining the boundaries of counties.

A communication was received from the House, stating that H. F. No. 3 had passed the House, and the same was sent to the Council, amending the code of criminal procedure; read the first time and referred to the committee on judiciary.

Notice was also received that the House had adopted the concurrent resolution that the clerks of the various District Courts report to the Legislative Assembly the business done in their respective courts, in relation to amounts of fine assessed, grand and petit jurors' fees, etc., before Feb. 1, 1886.

Mr. Sharp thought the date would not give the time necessary for the work to be done. Mr. Taylor thought Mr. Sharp's suggestion was a wise one and he moved to amend the motion so as to read the 10th instead of the first day of February, 1886; amendment adopted.

A bill by Mr. Barton, to regulate the practice and sale of medicine, passed its first reading and was referred to the committee on public health.

A bill by Mr. Sharp, to amend section 56, chapter 54, session laws of 1884, for amending the criminal code in justice's courts, was referred to the committee on municipal corporations and towns.

Mr. Sharp made a motion that when this Council shall adjourn it shall be to 7 p. m. to-morrow; adopted.

The bill C. F. No. 6, allowing garden and farm products to be sold free of license in incorporated cities, passed its second reading.

C. F. No. 15, determining disputed county boundary lines, was also read.

A communication was received from the House, stating that the House had accepted an invitation to visit the Asylum at Provo next Friday.

On motion, the invitation was accepted on behalf of the Council.

A communication was received stating that the House has passed a vote non concurring in the Council resolution on compilation. On motion of Mr. Hammond the Council insisted on their resolution and that the House be asked for a committee on conference.

On learning that the House non concurring in resolution No. 12 asking the District Court for information, the Council insisted on this resolution also, and asked for a committee on conference.

HOUSE—JAN. 19th.

House met pursuant to adjournment, and after the usual opening exercises proceeded to work.

A communication was received from W. N. Dusenbery, President of the Board of Directors of the Insane Asylum, inviting the Governor and a Member of the Legislature of Utah to visit the Asylum at as early a day as practicable.

The invitation was accepted, and Friday, January 20th, was set as the day for the visit.

Notice was received that the Council concurred in the House resolution, calling for information from the District clerks in relation to fines collected, and had set the time for the 15th instead of the 1st of February; but the House did not concur in the change of date.

Mr. Thurber presented a petition from the residents of Sevier County in relation to a canon road, and asking an appropriation of \$1,000 to help defray the expenses of construction; read and referred to committee on highways.

Mr. Hatch, from the committee on judiciary, reported that the committee did not concur in House resolution No. 13, on compilation of laws; report adopted.

Mr. Smoot presented the report of the committee on the asylum for the insane, which was read, and recommended that 1,000 copies of said report be printed for distribution. The report was adopted after much discussion, 200 copies of the printed report to be reserved for the future use of the House.

A message from the Council announced the willingness of that body to accept the invitation to visit the asylum.

Mr. Cannon presented a bill "to lessen the terms of sentence of convicts, for good conduct;" read by title and referred to the committee on penitentiary and reform school.

A resolution was received from the Council stating that that body insisted on the 15th day of February instead of the 1st for the information to be furnished by the District Clerks and a committee of conference consisting of Thurman, King and Stratford was appointed by the chairman.

Mr. McLaughlin presented a bill providing punishment for offenses against chastity and decency; read by title and referred to the committee on judiciary.

Mr. McLaughlin also presented a bill to amend the act incorporating Park City; read by title and referred to the committee on corporations.

Mr. Smoot presented a joint resolution providing for the distribution of Mr. Joseph A. West's Map of Utah. After considerable discussion Mr. Hatch moved the resolution be referred to the committee on mines and mining. Lost. The resolution was finally laid on the table.

Mr. Howell offered a resolution that the sergeant-at-arms procure a number of copies of former Utah reports for the use of the House. Adopted.

The Council asked for a committee of conference on compilation to consist of five members; the House concurred and the Speaker appointed Messrs. Creer, West, Woolley, Baty and Young, as the House committee.

The resolution of Mr. Smoot for the distribution of the revised map of Utah (by Mr. West) was read the second time. Referred to the committee on counties.

Mr. Young complained that the minutes of the Council had not yet been distributed for the use of the House, and the sergeant-at-arms was instructed to see that this matter be properly attended to.

Mr. Thurman presented the report of the committee of conference, recommending that the House concur in the Council amendment as to time for the information to be given by the District Court clerks in relation to the collection of fines. Adopted.

Adjourned till Wednesday at 7 p. m.

COUNCIL—JAN. 20.

As the City Hall clock struck the hour of seven, the President's gavel fell. The opening ceremonies were attended to, after which the journal of Tuesday was read, amended and approved.

Mr. Tuttle presented a petition from the assessor and collector of Sanpete County, asking that the sum of \$250.00 be appropriated to cover the same amount of uncollected taxes from persons who had removed and others that could not be found. Referred to committee on claims.

The President read a communication from the Governor, making the following nominations:

Auditor of Public Accounts—Arthur Pratt.

Territorial Treasurer—Bolívar Roberts.

Territorial Sup't of Schools—P. L. Williams.

The nominations were placed on file.

Messrs. Dement, Stayner, Carlton and Hollister acknowledged the courtesy of the freedom of the Council Chamber.

Mr. Grover reported from the judiciary committee: H. F. No. 3, C. F. No. 12, and C. F. No. 18, and recommended their passage. Placed on file for second reading.

Mr. Barton introduced a bill amending chap. 18, sec. 45, Session Laws of 1884, providing that non-exercise of the franchise contained therein for two years shall work a forfeiture of the right of franchise.

The following bills were read a second time:

One to amend sec. 338, chap. 1, regulating the mode of procedure in criminal cases, providing for admission to bail of any person charged with an offense not punishable with death, as a matter of right.

A bill providing for the punishment of a misdemeanor was called up, and the rules were suspended while it was read a third time.

Mr. Barton moved that the bill be amended so as to read "any sum less than \$300;" passed, and read by its title.

The following bills then passed their third reading:

A bill amending Section 5, Chapter 25, Session Laws of 1884, relating to the peddling of products of the farm and garden; on motion of Mr. Hammond, it passed.

The bill defining the manner of determining disputed county boundaries, to amend Mr. Taylor moved the reference defining a boundary line by two

surveyors by striking out the words "or either of them." This bill was discussed by Messrs. Taylor, Sharp, Hammond and Grover, showing that the bill in its present form did not meet the desired object. It was referred back to the committee on counties.

Adjourned till 2 p. m., Thursday.

HOUSE—JAN. 20.

The House convened at 7 o'clock p. m., with the Speaker in the chair, and the call showed that there was a quorum present.

The clerk read a message from the Council, stating that that body had appointed Councilors Sharp, Barton, Taylor, Shurtliff and Tuttle a committee of conference.

A petition from Sheriff John W. Turner was presented, stating that during the Hopt trial for murder in 1885, he, Turner, had furnished two sums of money to procure witnesses from a distance, there being no funds in the Territorial treasury for that purpose at the time. The total amount was \$718.25, and the petitioner asked that this sum be reimbursed, although he made the request with much reluctance. The matter was referred to the committee on claims and public accounts.

Mr. King, from the committee on agriculture and irrigation, reported back the House bill on irrigation and presented a substitute. After a lengthy and animated debate the report was adopted; but subsequently, the vote to adopt was reconsidered, and the substitute was rejected. The original bill was then read a second and third time, and, under the suspension of the rules of the House, passed.

The chairman of the committee on live stock (Mr. Kimball) reported back unfavorably the House bill in relation to stock herding. The report was adopted.

Mr. Hatch reported two bills in relation to sexual crimes, which were ordered to be printed.

Mr. Baty asked to be released from acting on the committee of conference with the Council committee, and suggested that Mr. Thurman be appointed in his place. Request granted.

Mr. Cannon, from the committee on printing, said he was requested to state that the printed report of the committee on Insane Asylum would be ready in one week.

Mr. Lund presented a bill to establish a Territorial Reform School; read by title and referred to the committee on penitentiary and reform.

The clerk read a message from the Council, stating that it had passed a bill amending Section 5, of Chapter 25, of the Laws of Utah for 1884, relating to persons selling the products of their farms and gardens, and to persons carrying on business in an incorporated city; concurred in.

Several messages from the Council relative to bills were read and referred, after which the House adjourned till 3 p. m. Thursday.

COUNCIL—JAN. 21.

Council met as per adjournment, and after the usual opening ceremonies, the journal of the previous day was read and approved.

O. F. Whitney, Regent-elect of the Deseret University, acknowledged the courtesy of the freedom of the Council.

Mr. Tuttle presented a petition from Martin Fredericksen, asking that his name be changed to Martin Johansen.

Mr. Sharp reported from the committee on fish and game C. F. No. 10, with a substitute therefor, a bill supplemental to chapter 6, session laws of 1881. The substitute was adopted.

Mr. Barton, from the committee on judiciary, reported back C. F. Nos. 4 and 5 without recommendation; laid on the table subject to call. Also C. F. No. 9, amending sections 212 and 214 of the Compiled Laws, changing the terms of office of county treasurers and recorders from one to two years. Also C. F. No. 19, amending section 18, chapter 45, of the Compiled Laws of Utah; placed on file for second reading.

Mr. Barton, from the committee on counties, reported back the bill apportioning the Legislative Assembly, without amendment; report adopted and bill ordered printed.

Mr. Page, from the committee on highways, reported C. F. No. 8, a bill pertaining to highways, and recommended that the same be printed and put on its passage; report adopted.

A communication from the House was received announcing the passage of the bill amending chap. 49, in relation to irrigation; referred to the committee on irrigation.

Mr. Sharp presented a bill amending Sections 578, 579 and 580, Compiled Laws of Utah. The object of this bill is a reduction of the bonds of the officers of the Deseret University. It was read the first time and referred to the committee on education.

The fish and game bill substitute was read the second time, and placed on file for the third reading.

C. F. No. 5 was made the special order for Friday, after which the Council adjourned till 2 p. m. Friday.

HOUSE—JAN. 21.

The session of the House of Representatives opened at 2 p. m., in the usual way, with a quorum of the members present. As soon as Wednesday's minutes were read approved, the Legislative ball for the day was set in motion by Mr. Thurman presenting a petition from his constituents, addressed to the "Honorable, the Senate and House of Representatives of the Territory of Utah," with a request to

amend the boundaries of Pleasant Grove City. The petition was read and referred to the committee on corporations and towns.

Mr. King presented the report of the superintendent of district schools, which was read by its title, and referred to the committee on education.

Mr. Hatch, from the committee on judiciary, returned the bill amending Council File No. 6, and recommended its passage. Adopted.

Mr. Hatch also reported another bill from the same committee, in reference to C. F. 18, concerning misdemeanors; adopted.

The same gentleman reported from the committee on counties, in reference to the distribution of the new maps of Utah; report adopted.

The clerk next read the account of the Territorial Auditor, in relation to payment of juries, etc., stating also that no payment of jurors could be made until the reports from the courts are handed in, which had not yet been done for the years 1884-5.

The report also made some suggestions in relation to mileage of witnesses, etc.

The report was received and referred to the committee on judiciary.

Mr. King offered a bill providing for encouraging the growth of timber; read once and referred to the committee on agriculture.

Mr. Smoot presented a bill for the protection of animals from injury by the use of barbed wire fences; read and referred to the committee on agriculture and irrigation.

Mr. West presented a bill authorizing the incorporation of companies for the construction of union railroad depots and for other purposes; read by title and referred to the committee on private corporations.

The same member introduced a bill to amend an act entitled "An act revising the code of civil procedure of Utah," approved March 13, 1884; read the first time and referred to the committee on judiciary.

Mr. Anderson introduced a bill to prevent the spread of malignant diseases, which was read by its title and turned over to the committee on live stock.

The substitute bill for the selection and payment of jurors was the next article on which the legislators exhausted much legal acumen and forensic skill. Sections 1, 3, 4 and 6 were amended slightly. Section 6 provides that jurors when selected and drawn shall receive as mileage twenty cents per mile one way for the distance necessarily traveled.

Mr. Hatch moved to strike out "twenty," and substitute "twelve." A vote was called, and the motion was lost.

Mr. Creer then moved to strike out the word "twenty," and substitute "fifteen." His motion prevailed and the change was made.

Section 9 of the bill provides that the plaintiff in each civil action, and the appellant in each civil case appealed to the district court, shall respectively, before his complaint is filed or his appeal docketed, deposit with the clerk of said court the sum of five dollars, which shall be known and designated as the jury fund, etc. When the reading reached this stage of the bill, vigorous and animated discussion ensued, which consumed a great deal of the afternoon.

Mr. West moved to strike out section nine, and in the stead thereof offered a substitute, in which he proposed that in all civil actions in the district courts of this Territory, when a jury is to be used, the plaintiff or appellant, as the case may be, shall be required to deposit with the clerk of the court, before the jury is empaneled, the sum of \$12, and, in case the trial shall continue longer than one day, the same party shall pay to the clerk at the opening of the court, on each succeeding day, the like sum of \$12, and if the party so paying shall have judgment in his favor, he shall recover the amount so paid as costs, from the opposing party in the action.

Mr. West took the floor, spoke in a firm, determined manner, argued eloquently in favor of his substitute, and pointed out what he considered strong reasons for its adoption by the House.

Mr. Thurman, who first presented the bill, as vigorously defended the original section 9, and stated that the "substitute" was unjust and unfair to the litigant. He was ably supported in his position by a neat, pointed, eloquent, but brief speech from Mr. King. It appeared likely that the debate would be interminable, when Mr. Howell moved that further consideration of the bill be deferred until 3 p. m. on Friday; motion carried, and the contest subsided.

Mr. Thurman suggested that Mr. Hatch be placed on the committee on claims and public accounts, as it was an important committee and needed the ability of more experienced men; the matter was left with the Speaker to arrange.

Mr. Rider offered a resolution, which was adopted, that a committee of three be appointed by the Speaker to draft resolutions of respect to the memory of the late Hon. Wm. Jennings, who was formerly a member of this House. The Chair appointed Messrs. Rider, West and King a committee for this purpose.

The session, which has thus far been one of the most lively and interesting, adjourned till Friday at 2 p. m.

COUNCIL—JAN. 22.

The Council convened at 2 p. m. and after the opening exercises the journal of Thursday was read and approved.

Having been solicited to do so by the directors of the Territorial Insane