

UTAH LEGISLATURE.

COUNCIL

Thursday, Feb. 19, 1880, 3 p.m.

The following message was received from the Governor:

Hon. Lorenzo Snow, President of the Council:

Sir—I have the honor to inform you that I have approved and filed with the Secretary of the Territory: C. F. No. 37, entitled "An act to encourage the manufacture of sugar in the Territory of Utah."

C. F. No. 21, entitled "An act apportioning the waters and islands of Great Salt Lake to the counties bordering thereon, and extending the northern boundary of Salt Lake County."

On motion of Councilor Caine, a conference committee was appointed to consider the Council amendments to H. F. No. 47, "Providing for the establishment and support of district schools, etc." The President appointed Councilors E. Snow and Caine said committee on the part of the Council.

The following reports were submitted:

Your committee on municipal corporations and townsites, to whom was referred H. F. No. 65, "An act for incorporating villages," most respectfully ask to report the same back amended and recommend its passage as amended.

A. O. SMOOT, Chairman.

Your committee on counties, to whom was referred H. F. No. 77, "Apportioning the representation of the Territory of Utah," report that we have considered said bill, have made amendments, and recommend its passage as amended.

ERASTUS SNOW, Chairman.

H. F. No. 77 passed its third reading. The title was amended to read: "A bill apportioning the legislative representation of the Territory of Utah," and the title being then approved, the bill so passed and was sent to the House for its concurrence in the amendments.

H. F. No. 80, "Changing the boundaries of Sanpete, Utah and Wasatch Counties," passed.

Councilor Harrington, chairman of the committee on judiciary, reported back H. F. No. 67, "Amending Compiled Laws defining grand larceny," without amendment, and recommended favorable action thereon. The bill so passed.

Councilor Wells submitted the following report:

C. F. No. 13, "An Act to authorize the counties of Salt Lake, Davis, Tooele, Summit and Wasatch, in the Territory of Utah, to subscribe to the capital stock of the Utah Eastern Railroad Company," has this day, at 3 p.m., been presented to His Excellency the Governor, for his consideration and approval.

A committee of conference, to act with the committee of the House, was appointed to consider amendments to H. F. 27. Councilors Cluff and E. Snow were appointed said committee on the part of the Council.

Councilor Harrington, chairman of the committee on judiciary, reported back C. F. No. 1, "Guardian and Ward," and recommended that the amendments to said bill, suggested by the Governor, be incorporated, and that the bill so pass. The proposed amendments were read and adopted.

Councilor Cluff submitted the following report:

The conference committee, appointed to consider the bill H. F. No. 27, on "Highways," have had under consideration the matter referred to them, and have agreed upon a compromise amendment to the section not concurred in by the House.

On motion of Councilor Caine the report was adopted.

Councilor Smoot submitted the following report:

Your committee on agriculture, trade and manufactures, to whom was referred the report of D. A. & M. Society, have given the same due consideration, and in order to carry out certain recommendations therein made, in relation to establishing a bureau of statistics, they herewith ask leave to introduce the accompanying bill, and recommend that it be put on its passage.

The Governor's message, announcing his approval of C. F. Nos. 37 and 21, was read.

Mr. Sharp moved that the House does not recede from its amendment to C. F. No. 35. Carried.

The Speaker appointed Messrs. Johnson, Sharp, Dusenberry, Penrose and Jacques conference committee to consider with the Council committee on amendment to section 10, H. F. No. 47.

Council amendments to H. F. No.

77, "Apportioning the legislative representation of the Territory of Utah," were read and adopted.

Mr. Grover presented H. F. No. 83, "Amendatory of and supplemental to Chapter III, Title XIV, of the Compiled Laws of Utah Territory," which was read the first time and referred to the committee on judiciary.

Mr. Farr, chairman of judiciary committee, reported back petitions of L. B. Pratt and 381 others, and of W. Howard and 435 others, without recommendation.

Mr. Peery, chairman of penitentiary committee, presented the following report:

Your committee on penitentiary hereby report that, in conjunction with the Council committee, through the courtesy of the warden, Gen. Butler, on the 12th inst., we visited the penitentiary for the purpose of inquiring into the condition of the prisoners therein incarcerated. Every facility and courtesy desired were extended to us by the warden, to enable us to understand the true condition and gain all necessary information.

We found the prisoners healthy, taken good care of and under good discipline, considering the state of the building and the means at the warden's command.

By reference to pages 401 and 402 of the Journal of last session, it will be seen that A. P. Rockwood, deceased, reported \$2,085.00 worth of property on hand belonging to the penitentiary. Your committee suggest that some one be appointed to take charge of, or sell said property.

We recommend an appropriation of \$1,000 to provide additional sleeping accommodation. Also, an appropriation to enable the warden to furnish discharged convicts (in actual need) who shall have been imprisoned one year or more, with a suit of clothes and \$5 cash.

We take pleasure in stating that the warden is doing all in his power to make the prisoners as comfortable as circumstances will allow.

Report accepted and recommendation of the committee adopted.

Mr. Smith, chairman of agriculture, etc., presented the following report:

Your committee on agriculture, trade and manufactures, to whom was referred the petition of T. B. Clark and 52 others, asking for an act requiring owners to fence city lots, etc., respectfully report the accompanying bill, and recommend its passage.

Your committee further report concerning the petition of Alva A. Green, that no more legislation upon the subject is considered necessary.

The Auditor's report on the D. A. & M. Society, is herewith returned.

(H. F. No. 84), "To provide for fencing city or town lots, orchards, and stackyards," was recommended to the committee on agriculture, etc.

Mr. Hatch, chairman of counties, presented the following report:

Your committee on counties, to whom was referred (C. F. No. 29) "A bill to punish persons entering into or upon railroad cars in certain cases," having had the same under advisement, beg leave to report the same back with amendments, and recommend its passage as amended.

Amendments read and adopted.

C. F. No. 29, "To punish persons entering into railroad cars in certain cases," passed.

Mr. Farr presented H. F. No. 85, "To punish hotel runners and others," which was read the first time and referred to the committee on judiciary.

Mr. Francis presented H. F. No. 86, "To prevent selling homestead without the consent of the wife," which was read the first time, and referred to the committee on claims, etc.

Mr. Dusenberry presented H. F. No. 87, "To amend section 191 of the Compiled Laws of Utah," which was referred to the committee on judiciary.

Mr. Grover, chairman of conference committee on H. F. No. 27, presented the following report:

Your committee of conference, to whom was referred the Council amendment of the 21st section of H. F. No. 27, have conferred with the Council committee, and have agreed upon the accompanying as a substitute for said section and recommend its adoption.

Report received and recommendation adopted.

Mr. Smith reported back H. F. No. 84, "To provide for fencing city or town lots, orchards and stackyards," with an amendment.

Amendment adopted and passed. Mr. Carrington, chairman of municipal corporations, etc., presented the following report:

(C. F. No. 43), "amending 'An Act establishing a bureau of statistics, etc.,'" was read the first time by its title, and passed its first reading.

H. F. No. 1, "removing the political disabilities of women," was then taken up, passed its third reading, its title was read and approved and the bill so passed.

The House amendments to C. F. 29 were read and concurred in.

(C. F. No. 18), "An act amending the charter of Salt Lake City," was taken up.

The House amendments to said bill were further amended and the bill was sent to the House for its concurrence in said amendments.

Councilor Wells, in behalf of the committee on judiciary, reported back C. F. 12, "to legalize the execution and acknowledgment of certain deeds," and recommended that section 2 of said bill be stricken out in accordance with the suggestion of the Governor. The report was adopted.

On motion of Councilor Caine, a conference committee was called for, to consider the House amendments to (C. F. No. 35), "amending 'an act regulating procedure in criminal cases.'"

The President appointed Councilors Caine and Smith said committee on the part of the Council.

On motion of Councilor Caine, a committee of conference to consider the House amendments to (C. F. No. 18), "Amending the charter of Salt Lake City," was appointed with the understanding that Councilor Smith act as chairman thereof.

The President appointed Councilors Smith and Caine said committee on the part of the Council.

Councilor Harrington reported back (H. F. No. 59), on "jury fund," and recommended its passage.

On motion of Councilor Caine, Councilor Wells was added to the conference committee appointed to consider the House amendments to (C. F. No. 18), "Amending the charter of Salt Lake City."

Councilor Harrington, chairman of the committee on judiciary, reported back (H. F. No. 59), "To provide for creating a jury fund in civil cases, etc.," and recommended its passage without amendments.

Councilor E. Snow desired to be excused from acting on the conference committee on House amendments to (H. F. No. 47), "To provide for the establishment and support of district schools." The President appointed Councilor Smith in place of Councilor E. Snow, on said committee.

Councilor Smoot submitted the following report:

Your committee on agriculture, trade and manufactures, to whom was referred the petition of H. S. Eldredge and forty-one others, asking for an appropriation to aid a company that is organized in Gunnison, Sanpete County, having for its object the manufacturing of sugar from the amber cane, would most respectfully report said petition back, and recommend the sum of \$1,000 be placed on the appropriation bill for that purpose, when the proper name of said company is furnished the committee on claims and appropriations.

On motion of Councilor Smith, Councilor Cluff was added to the conference committee appointed to consider the House amendments to C. F. No. 18, "Amending the charter of Salt Lake City."

Council took recess until 7 p.m.

7 p.m.

C. F. No. 42, "To provide for recording certain notices, etc.," and C. F. No. 41, "Amending charters of incorporated cities," passed.

H. F. No. 57, "Amending the charters of incorporated cities, etc.," passed and was sent to the House for its concurrence in the amendments.

Councilor Smith submitted the following report:

Your committee on revenue, to whom was referred H. F. No. 64, "Amending the revenue act, approved February 22, 1878," beg leave to report that they have carefully considered the same, and herewith return it to the table with proposed amendments to sections 3, 5 and 7, and respectfully recommend the adoption of said amendments, and that the bill so pass.

Said bill was read as amended by the committee, further amended, passed, and was returned to the House for its concurrence in the amendments.

Councilor Harrington, chairman of the committee on judiciary, reported back H. F. No. 71, "Defining the First and Third Judicial Districts of the Territory of Utah," without recommendation. The bill was laid on the table.

Council adjourned till Friday at 10 a. m.

Friday, February 20, 10 a.m.

Councilor Harrington, chairman of committee on judiciary, reported back C. F. No. 40, "Creating the office of public administrator, etc.," and recommended that it lay upon the table as unfinished business.

Councilor Barton, chairman of committee on penitentiary, reported adversely upon Frederick Kesler's petition for remuneration for services as Director of the Territorial Penitentiary.

Councilor Smith, chairman of committee of conference appointed to consider the Council amendment to H. F. No. 47, "The school bill," reported that they had agreed to recommend a slight amendment to said bill and that it so pass.

Councilor Thurber, of the special committee appointed to examine redeemed Territorial auditor's warrants, reported that during the years 1878-79, said warrants redeemed by the Territorial Treasurer aggregated \$179,970.19. They had compared said warrants with the stubs and found that the numbers and amounts agreed, and consequently as instanced by the Assembly, had destroyed said warrants.

Said reports were read and adopted.

(H. F. No. 88) "To amend the acts to incorporate American Fork and Pleasant Grove Cities," was taken up. The bill passed its first reading, and was referred to the committee on municipal corporations and townsites.

(C. F. No. 43) "Amending 'an act establishing a bureau of statistics, etc.,'" was taken up, passed second and third reading, title amended so as to define section amended, and being then approved, the bill so passed.

Councilor Wells, chairman of the committee on enrollment, reported (C. F. No. 12) "To legalize the execution and acknowledgment of certain deeds," and (C. F. No. 17), "Repealing section 1737 of the Compiled Laws, etc.," correctly enrolled and sent to the Governor for his consideration and approval.

(H. F. No. 84) "To provide for fencing city or town lots, etc.," was taken up, passed its first reading, and, pending its second reading, was referred to the committee on municipal corporations and townsites.

A message was received from the Governor, announcing his approval of C. F. 27, "amending the Compiled Laws."

H. F. 79, "amending Compiled Laws," passed first reading and was referred to the committee on judiciary.

H. F. 65, "incorporating villages," was taken up, passed second and third readings, title amended and approved and bill passed.

Council concurred in a joint resolution of the House in regard to holding a joint session at 7 p. m.

A report was submitted from the committee on elections, stating the officers to be elected by the Assembly.

Also one from committee on municipal corporations and townsites, recommending that H. F. 74, changing the boundaries of Lehi City, and H. F. 88, changing boundaries of American Fork and Pleasant Grove cities, lay over as unfinished business, there not being sufficient time to properly consider them. Adopted.

Recess till two o'clock p. m.

2 p. m.

Councilor Smoot, chairman of the committee on municipal corporations, reported the act incorporating Richmond City, with amendments, and recommended that it be put upon its passage.

Councilor E. Snow, from the committee on claims and appropriations, reported adversely on the claim of William and George Naylor, for jury service in 1875. Report adopted.

Councilor Cluff presented a bill amending section 1173 of the Compiled Laws of Utah, entitled the townsites act. The bill was amended and passed, and sent to the House.

Councilor Smoot, from the municipal corporations and townsites committee, reported the bill to incorporate Nephi City, with amendments. The bill was passed and sent to the House for its action on the amendments.

The bill for amending section 1108, 1109 and 1111 was reported adversely from the committee on judiciary.

Councilor Wells asked that the bill to provide an insane asylum be considered, in order to get it into the hands of the enrollment committee.

Councilor Smith introduced a bill providing for the election of clerks of county courts. The bill was read its several readings and passed.

The bill to provide for fencing city and town lots, orchards and stackyards, was reported back amended; the amendments were adopted and the bill passed.

The bill to create a jury fund in civil cases was read the second and third times and passed.

Councilor Thurber introduced a bill to repeal the act creating the office of territorial surveyor, and so forth, which provides for the deposit of the maps, records, charts, etc., belonging to said office in the office of the Auditor of Public Accounts.

The bill passed first and second readings.

Councilor Cluff, from the conference committee, reported that the majority were in favor of the House amendment to the Park City incorporation bill. The Council did not concur.

Councilor Smith, from the conference committee on the amendments to the bill amending the charter of Salt Lake City, recommended that the amendments which restored the bill to its original form as it passed the Council be adhered to and others proposed by the House rejected. Report and recommendations adopted.

The insane asylum bill was read, amended, and finally passed its second reading.

Council took recess.

7 p. m.

Councilor Caine reported that the conference committee appointed to consider the matter of difference on (C. F. No. 35) "To amend an act regulating procedure in criminal cases," had agreed to certain amendments, and recommended the passage of the bill as amended.

The report was adopted.

The House amendments to (C. F. No. 45), providing for the election of clerks of the County Courts, were read and concurred in.

(C. F. No. 30) "To establish a Territorial insane asylum, etc.," passed.

(H. F. No. 93) "Providing for recording vested and accrued rights to the use of water," passed.

Council went into joint session. (See joint session minutes).

Council resumed its session.

(H. F. No. 70) "Amending the laws on fish and game," passed.

(H. F. No. 71) "Defining the first and third judicial districts, etc.," passed.

(H. F. No. 83) "Supplemental to and amending section 3, title xiv of Compiled Laws of Utah," was taken up, passed its first reading, and was referred to the committee on unfinished business.

(H. F. No. 89) "To protect persons and animals in certain cases," passed.

H. F. No. 90, "To prevent husbands from mortgaging their homesteads," was taken up. The enacting clause was stricken out.

H. F. No. 81, "In relation to county and probate clerks," passed third reading and was sent to the House for its concurrence in the amendments.

H. F. No. 87, "To amend section 190 Compiled Laws of Utah," passed.

H. F. No. 82, "Authorizing the citizens of Rich County to locate their county seat by vote," was taken up, amended, passed its first reading, and was referred to the committee on counties.

H. F. No. 56, "To amend an act for the protection of the keepers of inns," etc., passed.

H. F. No. 17, "Amending the charter of Ogden City," passed.

C. F. No. 32, "To incorporate Richmond City," etc., was taken up and passed its first reading by its title.

Councilor Smith presented a memorial from the Mayor and City Council of Salt Lake City, asking an appropriation of \$25,000, to aid said city in the construction of a canal from Jordan River, and moved its reference to the committee on claims and appropriations, with instructions to incorporate in the general appropriation bill. Read and referred to said committee without instructions.

H. F. No. 83, "Supplemental to and amending Section 3, Title XIV, of Compiled Laws, etc.," was reconsidered and passed.