

[PUBLISHED BY AUTHORITY.]

MINUTES
OF THE
LEGISLATIVE ASSEMBLY
OF
THE TERRITORY OF UTAH.
TWENTY-FIRST SESSION, 1874.

COUNCIL.

COUNCIL CHAMBER,
SALT LAKE CITY,
Feb. 4th, 1874.

Council met pursuant to adjournment.

Councilor Hooper, by permission, presented C. F. 25, "An Act providing for incorporating Associations for Mining, Manufacturing, Commercial and other industrial pursuits, approved Feb. 1870, which was referred to the Committee on General Incorporations, and ordered printed.

Councilor Woodruff presented petition of I. M. Stewart and 85 others praying for a city charter for Draper, in Salt Lake County, which was read and referred to the Committee on Municipal Incorporations and Townsites.

Councilor Woodruff presented petition of I. M. Stewart and seventy others, praying for legislation to control smelters; referred to Committee on Agriculture, &c.

Councilor Woodruff presented petition of I. M. Stewart and sixty-five others, praying for legislation with regard to damage done by fire from locomotives; read and referred to the Committee on Railroads.

Councilor Woodruff, Chairman of the Committee on Claims and Appropriations, presented the following report:

Hon. Lorenzo Snow, President, and Members of the Legislative Council:

Gentlemen—Your Committee, to whom was referred the Territorial Marshal's Account, and the account presented against the Territory in favor of Wm. Brown, Sheriff of Weber County, and deputies, report with regard to the former and recommend the appropriation of \$4,165.51 to cover the amount approved and issued by the Auditor of Public Accounts in excess of the amount of \$10,000 appropriated at the last session.

With regard to the latter, recommend that the amount of the bill, \$97.75, be allowed and appropriated.

Your Committee recommend that these two amounts be incorporated in the General Appropriation Bill.

W. WOODRUFF,
Chairman of Committee on Claims and Appropriations.

On motion of Councilor Smith, the report was received and the amounts ordered to be included in the General Appropriation Bill.

(C. F. 12.) "An Act providing damages for death caused by Wrongful Act, Neglect or Default," passed.

Councilor Young presented (C. F. 26.) "An Act to Attach the County of Piute to the Second Judicial District, in and for the Territory of Utah, for Judicial Purposes, and was referred to the Committee on Judiciary.

Councilor Jennings, pursuant to notice, presented (C. F. 27.) "An Act creating a Board of Managers for the Territory of Utah, to Co-operate with the National Board of Centennial Commissioners for the Centennial Exhibition, to be held in the City of Philadelphia, July, 1876," which was read the first time.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred (C. F. 20.) "An Act in relation to the Money of Account and Interest," reported the same back and recommended that it be put upon its passage.

The bill was read and ordered printed.

H. F. 15, "An act prescribing fees for the Secretary of the Territory," was taken up on its first reading, and laid on the table to come up in its order.

A communication from His Excellency the Governor, giving his reasons for not signing the "Memorial to Congress for a Committee of Investigation," was read and amended by striking out the words "Governor and" and then adopted.

On motion of Councilor Caine it was unanimously agreed that the Memorial be engrossed, and, the House concurring, be signed by the presiding officers and members of

both Houses of the Legislative Assembly.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred C. F. 5, "An act concerning conveyances," reported the same back, and recommended that it be put on its passage.

The Council adjourned.

HOUSE.

REPRESENTATIVES' HALL,
February 4, 1874.

House met pursuant to adjournment.

A message was read by the Governor vetoing the House Memorial to Congress.

Mr. Taylor moved that it be the expressed sense of this House that the statements made in our Memorial to Congress are true; and that the Memorial to Congress (the Council concurring) be forwarded to the Congress of the United States by this Legislative Assembly.

Which motion was carried unanimously.

On motion of Mr. Taylor, the Memorial to Congress was adopted with the words "The Governor" stricken therefrom.

(C. F. 9.) "An act to provide for the formation of Corporations for Public Libraries, &c." was read and referred to the Committee on Private Incorporations.

Mr. Roundy presented petition from William Brinhurst and thirty-six others, asking for an appropriation of \$2,000 to apply on the road between Bellevue and Harrisburg, in Washington Co., which was read and referred to the Committee on Roads, Bridges, and Ferries.

Mr. Roundy presented a petition from Martin Slack and thirty-nine others, citizens of Kane Co., praying for a law establishing free schools throughout the Territory, which was read and referred to the Committee on Education.

Mr. Roundy presented a petition from thirty-three citizens of Kane Co., to amend an act entitled "An act concerning fees of courts and other officers," which was read, and referred to the Committee on Judiciary.

(C. F. 12.) "An act providing damages for death caused by wrongful act, neglect or default," was referred to the Committee on Judiciary.

Mr. Taylor moved that Hon. Judge Snow, the Attorney General of this Territory, be requested to furnish this House his opinion on the jurisdiction of the Probate Courts of this Territory, and such other matters of legal jurisdiction and alleged malfeasance of certain officers charged, by his Excellency the Governor in his message vetoing the House Memorial to Congress, against this Legislative body as encouraged by them and practiced by other officers of this Territory.

Mr. Thurber, Chairman of Committee to whom was referred (H. F. 23), "An act amending an act further amending an act prescribing the manner of assessing and collecting taxes, &c.," reported back said bill and recommended the passage of the accompanying substitute bill.

Said substitute bill for (H. F. 23), entitled "An act amending an act further amending an act prescribing the manner of assessing and collecting County and Territorial Taxes and for other purposes" was referred back to the Committee on Revenue.

Mr. Rowberry presented a bill for "An Act respecting Bonds, Notes and Bills of Exchange," which was read the first time, and referred to the Committee on Judiciary, and copies of the same ordered printed.

Mr. Rowberry moved that the Committee on Education be instructed to examine an ordinance incorporating the University of the State of Deseret, to see if it is not necessary to bring in a bill for the reorganization of the University and authorizing it to take charge of the University lands, which have been located by the Commissioners, and report to this House at an early day by bill, or otherwise. Seconded and carried.

Mr. Mann presented a bill for "An Act supplemental to an Act in relation to Defrauding and Cheating or Swindling, approved January 20, 1864," which was read, and referred to the Committee on Mineral Resources.

House adjourned, till 2 p.m. tomorrow.

COUNCIL.**TWENTY-FIFTH DAY.**

COUNCIL CHAMBER,
SALT LAKE CITY,

February 5th, 1874.

Council met pursuant to adjournment.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred C. F. 6, "An Act concerning fraudulent conveyances and contracts," laid on the table to come up in its order.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred C. F. 8, "An Act concerning the proof and acknowledgment of conveyances and other instruments in writing, affecting real estate," reported the same back; laid on the table to come up in its order.

Councilor Caine moved that C. F. 5, C. F. 6 and C. F. 8 be referred to a special committee. Seconded and carried.

The President appointed Councilors Caine, Young and Jennings said committee.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred C. F. 26, "An Act to attach the County of Piute to the Second Judicial District, in and for the Territory of Utah, for judicial purposes," reported the same back and recommended its passage. Passed.

Councilor Jennings presented resolution of congratulation and thanks to the officers of the Utah Northern Narrow Gauge Railroad, for the energy displayed in the completion of said Railroad, which was adopted.

Councilor Hooper, on the part of the Committee on Judiciary, to whom was referred Petition of Joseph F. Nounnan, praying for an appropriation for the safe keeping of the Records of the 3rd District Court, reported a resolution instructing the Committee on Claims and Appropriations to insert the sum of Twenty-five Hundred Dollars in the General Appropriation Bill, for that purpose.

(H. F. 15.) "An Act Providing Fees of the Secretary of the Territory," was laid on the table till called for.

The Council adjourned.

HOUSE.

REPRESENTATIVES' HALL,
February 5th, 1874.

House met pursuant to adjournment.

Mr. Nebeker presented Financial Report of Rich County, for the years 1872 and 3, which was referred to Committee on Revenue.

Mr. Rockwood, Chairman of Committee on Agriculture, Trade and Manufactures, pursuant to instructions, reported a bill for "An Act entitled an act amending an act to provide for Mechanics' and Laborers' Lien, approved Feb. 18, 1869," which was read the first time.

Mr. Rowberry, Chairman of Committee on Roads, Bridges, etc., to whom was referred the petition of Amasa Tucker, and three hundred and seventy-two (372) others, praying for an appropriation of \$2,500 for the purpose of repairing and opening the road in Spanish Fork and Thistle Valley Canyons, recommended that the sum of \$2,000 be appropriated on condition that Utah and Sanpete counties appropriate \$500 each to be applied for the same purpose.

On motion of Mr. Rockwood the recommendation of said committee was negatived.

Mr. Jos. F. Smith presented a petition of William Willis for services, &c., which was read and referred to the Committee on Claims and Appropriations.

Mr. W. W. Cluff presented a petition from the Judge and Selectmen of Summit county, to amend an act entitled "An Act defining the boundary lines of counties, &c.," which was read and referred to the Committee on Counties.

Resolution of congratulation and thanks to the officers of the Utah Northern R. R. was read and adopted.

The House concurred in the order of the Council that the Memorial to Congress be signed by the presiding officers and members of both Houses.

Mr. Thurber presented "An act concerning the seat of Government of the County of Piute, and to legalize the acts of the Officers of said County," which was read and referred to the Committee on Counties.

Mr. Rowberry presented "An Act

relating to Contracts and Promises," which was read and referred to Committee on Judiciary.

Mr. Rowberry presented a bill for "An Act relating to Conveyance of Real Estate and Mining Claims," which was read and referred to the Committee on Mineral Resources.

Mr. Partridge moved that the Committee on Private Incorporations and Telegraph Companies be instructed to consider the propriety of providing for incorporating Benevolent and Relief Societies in connection with the Bill already in their hands, which relates to forming and incorporating Library Associations. Seconded and carried.

(C. F. 26.) "An Act to attach the County of Piute to the second Judicial District," was referred to the Committee on Counties.

Mr. W. R. Smith presented a bill for "An Act providing for the Protection of Small Birds, which was read the first time and referred to the Committee on Agriculture, Trade and Manufactures.

Mr. Wright moved that the Committee on Roads, Bridges and Ferries be instructed to ascertain whether or not the provisions of the charter of "An Act entitled an act Granting to Alvin Nichols and W. S. Godbe the right to establish a bridge across Bear River, in Box Elder County, and a bridge across the Malad," (Approved January 13th, 1866) had been fully complied with, and take such other measures in the premises as shall seem to them necessary and consistent with all the provisions of said act, and report the same, without delay, to this House. Seconded and carried.

House adjourned till 2 p.m. tomorrow.

COUNCIL.**TWENTY-SIXTH DAY.**

COUNCIL CHAMBER,
SALT LAKE CITY,

Feb. 6, 1874.

Council met pursuant to adjournment.

Councilor Smith presented petition of the Selectmen of Iron County, praying for an appropriation of \$260.00, being the amount advanced to jurors in the District Court for the Second Judicial District, during the years 1872-73, which was read and referred to the Committee on Claims and Appropriations.

Councilor Smith presented, pursuant to notice, C. F. 28, "An Act amendatory of and supplementary to the charter of Parowan City," which was referred to the Committee on Municipal Corporations and Townsites.

Councilor Thatcher presented the following report:

COMMITTEE ROOM,

Feb. 6th, 1874.

Hon. Lorenzo Snow, President, and Members of the Legislative Council.

GENTLEMEN:—Your Committee, to whom was referred the petition of R. A. Despain and 192 others, praying for suitable legislation regulating the construction of Smelting and Refining Works in this Territory, beg respectfully to return the same and recommend its reference to the Committee on Agriculture, Trade and Manufactures. A similar petition signed by I. M. Stewart and 70 others, having on the 4th instant been referred to that Committee.

Respectfully,

M. THATCHER,

Chairman of Committee on Mineral Resources.

On motion of Councilor Woodruff the report was received and the recommendations adopted.

On motion of Councilor Woodruff Councilor Thatcher was added to the Committee on Agriculture, Trade and Manufactures.

Councilor Woodruff presented petition of Jesse W. Fox, praying for an appropriation to reimburse him for expenses incurred in the performance of his official duties. Referred to Committee on Claims and Appropriations.

Councilor Hooper presented petition of T. D. Brown, praying for relief whereby he may obtain title to certain city property. The petition was read and referred to the Committee on Petitions and Memorials.

Councilor Woodruff, Chairman of the Committee on Claims and Appropriations, presented the following:

To the Hon. Lorenzo Snow and Members of the Legislative Council:

Gentlemen—Your Committee, to whom was referred the petition of A. Miner, "praying" for compensation for legal services rendered in 1862 and 1863, in the Third Judicial District Court," return said petition and report adversely thereon.

W. WOODRUFF,
Chairman of Committee on Claims and Appropriations.

Committee Room,
Council Chamber,
February 6th, 1874.

The report was accepted, and the Committee discharged from the further consideration of the subject.

Councilor Harrington, Chairman of the Committee on Judiciary, to whom was referred (C. F. 23), "An act to amend an act entitled 'An act to regulate proceedings in civil cases in the courts of justice of this Territory, and to repeal certain acts and parts of acts,' approved February, 1870, reported the same back with amendments, and recommended that the bill be put upon its passage.

On motion of Councilor Smoot, the report was received, and the bill laid on the table, to come up in its order.

The following communication was read, and referred to the Committee on Elections, for their consideration:

UTAH TERRITORY,
EXECUTIVE DEPARTMENT,
SALT LAKE CITY,
February 6, 1874.

To the Hon. the Legislative Council.

Reposing full confidence in the ability and integrity of Georgia Snow, of Salt Lake County, Territory of Utah, by the authority in me vested by the 7th section of the Organic Act, I hereby nominate the said Georgia Snow for the office of Territorial Librarian for the term of four years, and submit the same to you for confirmation.

GEO. L. WOODS,

Governor of Utah.

Councilor Caine, Chairman of the Committee on Revenue, presented the following report:

SALT LAKE CITY,

Feb. 6, 1874.

Hon. L. Snow, Prest., and Legislative Council:

GENTLEMEN:—The Committee on Revenue, to whom was referred the Petition of A. F. McDonald and 200 others, asking for an "Appropriation of two thousand dollars, for the improvement of the Territorial road Between Harrisburg and Bellevue, also for repairing the Dugway over the Big Black Ridge," has considered the same, and beg leave to report favorably thereon, and recommend that the sum of \$2,000 be included in the General Appropriation Bill for that purpose.

JOHN T. CAINE,

Chairman.

On motion of Councilor Jennings, the report was accepted and the committee discharged.

Councilor Hooper, presented the following:

I move that the Committee on Claims and Appropriations be instructed to consider the propriety of including the sum of twenty-five hundred dollars in the General Appropriation Bill for the purpose of improving the road from Utah County to Sanpete County, via Spanish Fork Canyon and Thistle Valley.

The Council adjourned.

THEIR SUFFRAGE.—The N. Y. Herald has the following pertinent remarks—

The School Committee Women in Boston, notwithstanding Massachusetts is the home of most of the female suffrage shriekers, have not been very fairly or gallantly treated by men on the Board. After being chosen to their positions under the law, they have been excluded from any participation in the deliberations of the School Board and compelled to establish their rights in that body by an application to the Supreme Court. The legal question would have been settled in a worthier manner if the ladies had not been compelled to demand their legal rights at their own expense.

The Washington Star of Jan. 30 says—

An attempt was made at the annual church meeting of the Danielsonville, Ct., congregational society to give females the privilege of voting on church matters. After a lengthy discussion of the subject final action was postponed one week.