

# THE FIRST DAY

Of the Twenty-Eighth Legislature

## OF UTAH TERRITORY.

Speedy Organization of Both Houses.

SMITH AND RITER

Get the Presidency and Speakership.

WEBER MAKES HER CLAIM.

It is Recognized—Joseph A. West for House Chief Clerk—John V. Bluth for Council Messenger.

Editorial Correspondence.] SALT LAKE, Jan. 9, 1888.

The XXVIII. Utah Legislature is now in session, and to-morrow will be fairly at work. The members of both houses are men of experience and ability. They compare favorably with the legislators of larger, older and wealthier communities. There is a happy commingling of professional and practical men.

Of one thing their constituents may rest assured, that the bills carried through either house will be honest. Indeed, jobbery has never had much if any part in the work of the law-making bodies of Utah. The organization of both houses yesterday was commendably prompt, and also satisfactory in results. There may have been some little heart-burning among disappointed applicants for offices within the gift of the Legislature, but it is fair to say that the best men got the places. It will be observed from the list that Salt Lake County received less of the patronage than in any preceding session. There was an effort on the part of outside counties to get a measure of representation among the officers, and strange as it may seem, Salt Lake County cheerfully acquiesced in the arrangement.

In the expressive though rude parlance of the day our own Weber got there with both feet. She received the chief clerkship of the House and a messengership of the Council. Heretofore the highest office given to our County was that of minute clerk of the House, which place was held by Joseph A. West, four years ago. Last Legislature Weber had nothing but the chaplaincy of the House—a very honorable and necessary position in its way; but receiving the least pay of any office within the gift of the House.

There was no opposition to the election of Hon. Jos. A. West to the position of chief clerk. All the old members were with him. They had seen his admirable work as minute clerk four years ago and his indefatigable endeavor and parliamentary skill while he was upon the floor of the House last session. It is the common remark that the chief clerk should be as quick and bright as the speaker of a deliberative body. In this case the requirement is fulfilled.

John V. Bluth, who received the position of messenger in the Council, is a bright Ogden boy.

There were no other applicants from Weber. The only two positions which were asked by this county were accorded, and to the only men whose names were suggested for them by the Weber delegation. Mr. West was not an applicant for the position of chief clerk, and his friends made an effort in his behalf only last Friday. It was well known that he was engaged in railway surveying, and that he had refused other offered engagements in order to continue that work. But the severe storms recently, and the frigid weather impelled him to disband his party and come down out of the mountains. As soon as it was discovered that his business would permit him to accept the place, his friends secured the position for him without his knowledge.

Mr. Bluth's also is a case of the office seeking the man and not the man seeking the office.

Hon. Elias S. Kimball, the member of the House from Rich County, is around on crutches. He cut his foot very severely while logging in the canyon some weeks since, and has not yet recovered.

Councillors Carlisle and Olsen of Cache are not present. They are making laws somewhere in the snow-banks on Collinston Hill. Councillor Smoot, of Utah is detained at home by the death of a child.

Representative Heybowme, of Iron, and Stewart, of Kane, are not yet here—doubtless they, too, are in a snow blockade.

Heretofore it has been the practice for the member of the House with the most time and nerve to get the best seat. First come, first served—and devil take the hindmost. But to-day a better system was inaugurated. Lots were drawn for the seats; and by this means, the snow-bound legislator is as fairly treated as the one who has been camping at the Assembly door-steps since last August.

Governor West will deliver his message to-morrow afternoon at 3 o'clock. I saw Speaker Riter to-night at the Campanini concert. He says that he has no idea of the length of the Governor's message nor the subjects upon which it will treat; but he evidently is of the opinion that it will be a conservative and sensible document.

Councillor Tom Marshall (Liberal) is credited with having said—when asked to push a certain class of bills in line with National proscriptive laws—that he proposed to legislate for Utah and not for Congress, and that he had but two bills so far to present: One for the regulation of elections; and the other to provide for the election of aldermen and city councillors within their respective wards of municipal corporations, and not by the entire vote of the city as at present.

The clerks of the House had to sand out and borrow a few sheets of paper and a pencil with which to record the proceedings. It is to be hoped that this economy of public stationery will not continue through the entire session.

A little circumstance connected with the organization of the House, which is briefly referred to in our minutes of the proceedings, indicates with what vigilance the acts of the majority will be watched and how quickly the minority will take advantage of every opportunity to gain a point—either technically or otherwise. We refer to the attempted organization of the House before Secretary Hall had administered the oath. It has been an established custom with the House to first effect a permanent organization before having the oath administered, when both the members and officers could take it at one time, thus obviating the necessity of calling upon the secretary to administer it upon two separate occasions. The member from Weber, Mr. Richards, announced to the House that in his opinion the oath should be administered immediately after the certified list of members had been read by the clerk; but being overruled by the opinion of those who have been members of former legislatures, he was forced to yield what afterwards proved to be a well taken point, and the organization proceeded. Mr. Hoge and his colleagues of the opposition took an active part therein, making at least one nomination, and it is thought, voting for all the others. After the organization was fully effected, occupying considerable valuable time, and the oath had been administered, Mr. Hoge—who, as before stated, had been an active participant in the proceedings—arose and said that all that had been done was illegal. He now moved that the House proceed to effect a permanent legal organization. The question was discussed at some length, and it was finally decided to organize again. While we are of the opinion that the view expressed by Richards in the commencement of the session was a correct one and should have prevailed, it seems a little out of harmony with the usual amenities that exist between even the opposing factions of deliberative bodies, for Hoge and his colleagues to have withheld their strong arguments when Richards first suggested the question. Nearly an hour of valuable time had been wasted, when Hoge insisted upon a re-enactment of the whole proceedings.

Following is the formal report of the proceedings of both houses:

### COUNCIL.

The council was called to order precisely at 2 p. m., by Heber M. Wells, chief clerk of the last Council, who stated that he had a list of the members elect to the council, duly certified to by the Secretary of the Territory, which he read as follows:

- First District, John E. Carlisle (P.), Logan, Cache County.
- Second District, C. F. Olsen (P.), Hyrum, Cache County.
- Third District, L. W. Shurtliff (P.), Ogden, Weber County.
- Fourth District, John M. Young (L), Salt Lake City, Salt Lake County.
- Fifth District, Thomas Marshall (L), Salt Lake City, Salt Lake County.
- Sixth District, Elias A. Smith (P), Salt Lake City, Salt Lake County.
- Seventh District, Richard Howe (P), South Cottonwood, Salt Lake County.
- Eighth District, A. O. Smoot, Jr. (P), Provo, Utah County.
- Ninth District, J. P. Wimm (P.), Huntington, Emery County.
- Tenth District, Wm. A. C. Bryan (P), Nephi, Juab County.
- Eleventh District, Luther T. Tuttle (P), Manti, Sanpete County.
- Twelfth District, E. G. Woolley (P), St. George, Washington County.

All were present except Carlisle, Olson and Smoot. Marshall moved that a committee of two be appointed to wait upon the Secretary of the Territory and request him to administer the oath of office to the members elect. Carried. Marshall and Woolley were appointed said committee.

The Secretary administered the oath.

On the nomination of Woolley, Hon. Elias A. Smith was elected President of the Council.

The president elect briefly expressed his thanks for the honor conferred upon him.

On the nomination of Shurtliff, Heber M. Wells was elected chief clerk.

On the nomination of Bryan, L. Halliday was elected enrolling and engrossing clerk.

On the nomination of Howe, J. G. Kimball was elected sergeant-at-arms.

On the nomination of Shurtliff, John V. Bluth was elected messenger.

On the nomination of Young, C. C. Shaw was elected chaplain.

The roll of officers was called. All present except V. L. Halliday. The oath was administered by the Secretary to the officers present.

Prayer was offered by the chaplain. Marshall moved that the House be notified that the Council was organized. Carried.

Woolley moved that a committee of two be appointed to act with a like committee of the House to wait upon the Governor and inform him that the council and the house were ready to receive any communication he might have to make. Carried. Woolley and Young were appointed such committee.

Bryan moved the adoption of a concurrent resolution providing for the appointment of a minute clerk, by each house, at a compensation of \$5. Carried.

At 3:40 the council took a recess, subject to the call of the chair. Business was resumed at 4 o'clock, when a message from the House was read, announcing its organization; another announcing the adoption of a resolution providing for a conjoint committee to wait upon the Governor; another announcing the concurrence of the House in the resolution providing for a minute clerk.

On the nomination of Shurtliff, G. E. Blair was elected minute clerk.

Shurtliff moved that the Sergeant-at-arms be instructed to hoist the National flag during each day of the session. Carried.

Marshall moved that the rules of last session be adopted during the pleasure of the Council. Carried.

Woolley, from the committee appointed to wait on the Governor reported that His Excellency would meet with the Assembly to-morrow at 3 p. m.

Adjourned till to-morrow at 2 p. m. Benediction by the chaplain.

### HOUSE.

H. G. Whitney, chief clerk of the last House, called the House to order, and announced that he held in his hand a list of members elect, duly certified by the Secretary of the Territory.

Hatch moved that the list be read. Carried.

The list was read as follows:

- First District, Elias S. Kimball (P.), Meadowville, Rich County.
- Second District, Jos. Howell, (P.), Wellsville, Cache County.
- Third District, Wm. H. Jones (P.), Brigham City, Box Elder County.

Fourth District, Chas. G. Richards (P.), Ogden, Weber County.

Fifth District, Nathaniel Montgomery (P.), North Ogden, Weber County.

Sixth District, Thos. F. Roueche (P.), Kaysville, Davis County.

Seventh District, D. C. McLaughlin (L.), Park City, Summit County.

Eighth District, C. E. Allen (L.), Juab County.

Ninth District, W. W. Riter (P.), Salt Lake City, Salt Lake County.

Tenth District, Wm. C. Allen (P.), Salt Lake, Salt Lake County.

Eleventh District, as Moyle (P.), Salt Lake, Salt Lake County.

Twelfth District, D. D. Hoge (L.), Salt Lake, Salt Lake County.

Thirteenth District, Geo. M. Spencer (P.), Taylorville, Salt Lake County.

Fourteenth District, Levi P. Helm (P.), Mill Creek, Salt Lake County.

Fifteenth District, Wm. Creer (P.), Spanish Fork, Utah County.

Sixteenth District, Samuel I. Thurman (P.), Provo, of Utah.

Seventeenth District, Lyman S. Wood (P.), Springville, of Utah.

Eighteenth District, Abram Hatch, (P.), Heber City, of Wasatch.

Nineteenth District, Wm. H. King (P.), Fillmore, of Millard.

Twentieth District, A. H. Lund (P.), Mount Pleasant, of Sanpete.

Twenty-first District, Wm. H. Seegmiller (P.), Richfield, of Sevier.

Twenty-second District, Philo T. Farnsworth (P.), Beaver, of Beaver.

Twenty-third District, Robert W. Heybourne, (P.), Cedar City, of Iron.

Twenty-fourth District, William F. Stewart (P.), Kanab, of Kane.

Clark moved that the House now proceed to permanent organization.

At this point Richards, of Weber, called attention to the fact that the members elect had not been sworn and were therefore not entitled to act; and he suggested that the oath be taken before any attempt should be made to proceed further. He showed that the election of officers, before the members themselves were entitled to vote, would be an assumption without warrant.

The view expressed by Richards was disputed by Riter, Thurman, Clark, and others. Clark thrust his motion and it was carried.

Clark nominated Hon. W. W. Riter as speaker. The nomination was carried unanimously.

Clark and King conducted the speaker elect to the chair, when he made a brief speech, expressing his appreciation of the honor conferred upon him, and the hope that sectional feeling would not interfere with the harmonious labors of the House.

Montgomery nominated Joseph A. West as chief clerk. Carried unanimously.

J. H. Moyle nominated O. F. Whitney as minute clerk. It appeared that this nomination was premature, until the office should first be created by legislative action.

S. R. Thurman nominated W. C. A. Smoot as sergeant-at-arms.

Allen nominated F. Houghton.

By a rising vote the former was elected. Prior to the vote E. D. Hoge suggested that the voting be done in some other way than viva voce.

On motion of King the vote on sergeant-at-arms was taken by rising.

G. C. Richards nominated J. F. Boyden as enrolling and engrossing clerk.

King nominated James Melville as watchman. Carried by acclamation.

Jones nominated B. H. Jones as messenger. Carried by acclamation.

Roueche nominated W. G. Smith chaplain. Carried by acclamation.

Richards offered a concurrent resolution providing for the election of a minute clerk for each house.

Thurman suggested that the oath should be taken by members before transacting any business calling for an expenditure of public funds.

Richards reminded the gentleman from Utah that this was in line with the proposition which he, Richards, had made earlier in the day, and which had then been opposed. If there was now a disposition to proceed in the proper way he was glad, and would with the consent of his second withdraw his concurrent resolution. Withdrawn.

Hoge asked if the House had not been transacting public business for half an hour. The Speaker replied in the affirmative, but stated that the House had followed precedent.

E. D. Hoge thought members should have been sworn before transacting any business at all.

A. Hatch moved that the honorable Secretary of the Territory be requested to administer the oath to members of the House.

Secretary Hall then appeared and administered the oath, first explaining that the name of the person taking it, his age, status, etc., would be inserted when the oath should be signed.

It was substantially the same oath as that known as the "Commission oath," which registration officers administer.

Howell suggested that the officers had not been sworn. Secretary Hall was recalled. He stated that he presumed the members would qualify first, and then appoint the officers of the House. Hoge made the point that, as the House had organized before being sworn, the organization was illegal and he moved that the House now proceed to organize again. A debate ensued in which Hoge urged that the organization had been made before the House became a body, and hence grave questions of the validity of its doings might arise. He was willing that the same officials should be elected.

Hatch read from the House journals showing that the course taken in 1884 and 1886 had been followed. Various members spoke upon the subject, some maintaining that the course taken was legal and proper, others that it would be better to re-organize.

Allen suggested that the safe course to take would be to re-elect the officers.

King moved to expunge from the minutes of the House that portion relating to the election of officers, and then proceed to elect them again.

S. R. Thurman stated that if what had been done was illegal, all of the laws now in force in this Territory were invalid. He thought there could be no question as to the validity of what had been done. He would have favored having members sworn before doing any business, but did not think it necessary to rescind what had been done.

The motion by King was put, and on a division, carried. It then became necessary to re-elect the officers of the House.

Clark moved that Riter be elected speaker. Carried unanimously.

The formality of electing each of the officers, as before, was gone through with.

This business finished, prayer was offered by the chaplain.

On motion, members of the House who had served three terms were allowed to choose their seats, and all others were required to draw for theirs.

Thurman and Hatch were the only ones who were permitted to choose seats. They selected locations to the left of the speaker.

After the drawing of seats had been concluded, a message from the Council was read, stating that it had organized, and naming its officers.

A message from the Council was read announcing the passage by that body of a concurrent resolution providing for a minute clerk for each house at a compensation of \$5 per day. On motion of Richards the House concurred.

King moved that the House proceed to the election of minute clerk. Carried.

Moyle nominated O. F. Whitney, who was elected by acclamation.

A message from the council was read announcing the appointment of Councillors Woolley and Young to act in conjunction with a like committee of the House to wait upon the Governor and inform him that the Council and House were ready to receive any communication he might have to make.

Hatch and King were appointed on behalf of the House.

A message from the Council was read, inviting the House to meet with them in joint session at 3 p. m. to-morrow, for the purpose of hearing a communication from the Governor.

A similar resolution had just been sent by the House to the Council and action was deferred upon it until word should be received from the Council as the chamber of the House being the larger it was deemed the better place in which to hold the joint session.

Richards offered a resolution providing for the printing of 100 copies of the daily minutes and 200 copies of the names and residences of members. Carried.

Creer offered a resolution providing for the adoption of the rules of the last session. Carried.

The committee appointed to wait on the Governor reported that His Excellency would meet with the assembly at 3 o'clock p. m. to-morrow.

Richards offered a resolution asking the auditor to furnish members with the compiled and session laws. Carried.

Richards moved that the sergeant-at-arms be requested to provide seats for visitors and a table for the representatives of the press.

The House then adjourned till 2 o'clock p. m. to-morrow.

Benediction by the chaplain.