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FIFTY-THIRD YEAR

GOVERNOR WELLS' MESSAGE



G. VERNOR HEBER M. WELLS,
Delivers his Message to the Fifth Biennial Session of the Legislature of the State of Utah.

SUMMARY OF GOVERNOR WELLS' MESSAGE.

Congratulates people of Utah on the eighth year of statehood and the joyous advent of the new century.

Refers feeling to the assassination of President McKinley and favors greater restraint of lawlessness and conspiracy.

Scolded for May 1, 1901, is regretfully alluded to, and Daily-West explosion mentioned in similar vein.

Underground magazines should, he declares, be prohibited.

The senatorial question considered and election of United States senators by direct vote of people is favored.

Financial condition of the state is good, but revenues should be increased or estimates reduced.

Irrigation is claimed to be the paramount problem. The laws should be amended and appropriation granted in aid thereof.

Importance of educational question dwelt upon and consolidation of school districts recommended.

Public health good. Pure water and good drainage should be encouraged.

State lands problem considered at length. Does not think withdrawals for forest reserves in interest of state.

Artesian well experiment to be tried with hopes of success.

Gratifying progress of the University of Utah and the Agricultural College shown. The State Industrial School doing good work.

Splendid condition of the school for the deaf, dumb and blind and relief coming two years given.

The State Insane Asylum makes good showing. Patients increasing and relief recommended.

The state prison shows decrease in number of convicts and increase of per capita cost.

The National Guard given much consideration and erection of armory recommended.

The state board of horticulture praised and estimates for the next two years approved.

Further provision for improvement of Agricultural park suggested.

All the recommendations of the fish commissioner are commended.

The St. Louis Exposition of next year considered. Believes the expenditure will be profitable and commends the matter to the Legislature's most favorable consideration.

The Lewis and Clark Centennial at Portland should be participated in.

The state board of equalization shows marked increase in assessments during the past two years.

A livestock commission is needed, and legislation to that end is urged.

The pure food law is considered and the suggestions of the commissioner endorsed.

Increase in the salaries of justices of the supreme court and judges of the district court recommended as just and proper.

Small experimental farms in different sections are favored.

The railroad question receives much attention, and its different phases are favorably presented.

A careful law is recommended and the separating of youthful from old and hardened criminals suggested.

The members of the various state boards and others given personal thanks for their praiseworthy and gratuitous services.

In conclusion the governor suggests that the spirit which should animate the Legislature should be that of promoting the welfare of the state and therefore recommends harmony.

deemed expedient. This duty assumed the form of a pleasure, when, as at present, the affairs of the commonwealth are so satisfactory and successful as to evoke universal gratitude.

The opening of the eighth year of our existence under statehood finds us, peace and prosperity. The past two years have been truly generous in their bestowal of good gifts upon our people. Our agricultural and livestock interests have flourished; our mines have yielded freely of their rock-bound treasure. No legitimate industry has languished. Success has smiled upon our enterprises, and health has abided in our homes. Labor has been in steady demand, and with glad contentment has received remunerative hire. Capital—most timid of suitors—has thrown away its fears and boldly courted success in schemes or imposing magnitude. Consumer and producer have been alike partakers of the general welfare. All influences and all elements seem to have united in causing our advent into the new century to be joyful and serene. I sincerely congratulate you, therefore, on assembling under circumstances at once so satisfactory

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ing as to the past and present and so propitious for the future.

For such general legislation as naturally comes before the people's representatives at each succeeding session, you will need no other recommendation than such as may be incidentally offered by way of reminder or other explanation of this message, and in the various reports which will be laid before you. I am not aware of the need of any great number of new laws. It has been amply said that while progress may be destroyed by mischievous enactments, it can never itself be created by law alone. The strength of a state exists not in the multitude and complexity of its statutes. It is their clearness, consistency, and justice—in a word their harmonious perfection—which gives stability to the social system. Such crudities and errors as experience may have shown to exist in our present laws should, with care and calmness, be corrected without delay. Much further than this, however, we may well hesitate to go, save where a wisdom's prompting the enactment of new and wholesome legislation will promote the general welfare as well as give to individual capacity the fullest scope.

Upon this latter, after all, depends the prosperity of the whole. In these labors you may rely, not only upon my most cordial aid, but also upon my endeavor in giving to the laws honest and intelligent administration.

ASSASSINATION AND ANARCHISM.

It comes but seldom to a people to experience such a depth of sorrow as that into which this nation was plunged when the news was flashed abroad from Buffalo on the 6th of September, less than a year and a half ago that the lovable and beloved chief magistrate, William McKinley, had fallen under the red hand of the assassin. The third of our presidents to be the victim of a martyr's crown, this pure and noble gentleman seemed least of all to deserve his cruel fate. No wild passions still survived as a consequence of the stormy billows of fratricidal war. No sinister horn of political fury seemed in the maniac's distorted brain. A freshly cemented union of great commonwealths, whose patriotism and sacrifice had lately brought them into the bonds of closest brotherhood, a mighty republic enjoying the supremest prosperity the world had ever seen, with the fair prospect of profoundly greater achievements in the future, a festive occasion of grateful joy for what had been and what was still to be accomplished; a statesman twice honored with the expressed confidence of his fellow citizens for the devotedness and earthy offices; a man whose purity of life and beneficence of purpose alike lifted him above even the breath of slander or reproach; these things, and the stances, and the victim of the foul crime which that fateful autumn morning shocked the civilized world. Whether as the gallant youthful soldier of the war for the Union or as the prudent, conscientious lawmaker or as the sagacious and far-seeing chief executive, or as the devoted husband and the gentleman who truly loved God and his fellowmen—in whatever light we may regard him his character was equally admirable, his example and influence equally benign. His life and work were a noble and inspiring example and reverence wherever the record of his career was read; while to be personally beloved more as a brother than a friend he needed but to be known.

He was not long after the murder and the national mind immediately after the deed which resulted in his untimely death. The murder has come to his account, the law has been vindicated. And yet there possibly remains a duty upon us which should not be postponed. If the divine mandate be ample that he who sheds man's blood, by man shall his blood be shed—then every requirement in this case has been satisfied. Indeed, no penalty can further good. But peoples and nations sometimes, when evil is instilled into them, are tempted to a brief moment of anarchy, as shown in some of its exponents and results, is hideous and damning. Freedom of speech and of the press is a sacred safeguard, a bulwark of our institutions which none would be so senseless as to assail. Yet there is a plain, broad line between license and license which is to be defined. The one means all good, the other may mean untold harm. I am of the opinion that unbridled exhortation to lawlessness and conspiracy is clearly outside the luminous boundary which encloses the right of free speech, and therefore should be the subject of quick and effective action. Not long ago, I pressed and I with the view that so atrocious a crime as conspiring to kill or attempting to kill the president or any official in line of presidential succession, should subject the guilty to a severe punishment. It is the intent which constitutes the essence of the crime; and there is poor logic and weak justice in punishing a man for the life of another, and especially of the president, only for failing in taking it because opportunity or accident comes in the way. I shall therefore be pleased to cooperate with you in strengthening our code in any direction in which—not in bitterness or indignation, but with calmness and wisdom, and in the interest of this great calamity, you may see fit to propose amendment.

PROTECTION TO MINERS.

Two years ago it was my painful duty to report one of the most appalling mine disasters in the history of the world—the Scofield horror which occurred May 1, 1901; and to recommend, as a precaution against the recurrence of such calamities, measures for the most rigorous inspection of coal mines, coupled with the severest penalties for the violation of the law. The recommendation was adopted, and our statute books now contain provisions calculated to reduce to a minimum the possibility of such a catastrophe in the future. While there have been but 14 fatal accidents in Utah since that time, the number of men employed—the biennial term has not passed without a sickening mine disaster, approaching in magnitude to the Carbon county disaster. I refer to the dreadful explosion in the Daily-West mine, Summit county, which occurred on the 15th of July, 1902, through which 24 lives were lost, besides four others, through the heroism which prompted attempts at rescue. Though not required by the law to do so, the state coal mine inspector visited the scene of the catastrophe at my request, and submitted a report which will be found appended to my annual report for 1903. To this I invite your special attention. He found that the disaster was the result of the explosion of a magazine on the 1,200-foot level of the mine, in which were stored between four and five tons of powder, about a thousand pounds of which, according to his estimate, exploded, leaving the rest to burn, causing a tremendous heat and the generation of a vast quantity of gas which was instantly fatal to all human life within its deadly range. His recommendation that underground magazines in mines be prohibited will scarcely find opposition with this shocking accident fresh in mind. I give it my unqualified endorsement, and emphatically urge, in connection with the same subject, that you give early consideration to all other phases of this matter, and place to men employed in the precarious occupation of mining. We owe to humanity the duty of safeguarding by every possible legislative means the lives of the men engaged in this industry of our state. There should be ample provision for competent and thorough inspection by the proper official, not only of the mines, but of all kinds of underground workings where the health and safety of men are involved, and we shall be lacking in the fulfillment of our responsibility if we fail to prevent, by every precaution in our power, the recurrence of these calamities to our community, and these shocks to our civilization.

ELECTION OF SENATOR.

The vacancy which will occur in Utah's representation in the upper house of Congress on the 4th of March next brings before you, as one of your first and most important duties, the choosing of one of your fellow citizens for the high office of United States senator. The traditional quality and value of the senatorial office, and the importance of all deliberative bodies in the world, as every American is proud to believe it, suggests the thought that no state can afford to be, in that august company, unworthily represented. I assure you realize the grave responsibility which therefore rests upon you, and have no doubt your selection will be acceptable to your constituents and to the state. I venture the hope that in the fulfillment of this duty there will be no unnecessary waste of time, to the delay and the expense of the regular and important work of the session.

At this point, I am constrained to reaffirm the views expressed in my message two years ago as to the desirability of electing United States senators by direct vote of the people. It ought not to be possible for a legislative deadlock or the obstinacy or malice of candidates and their supporters, to deprive any state of its constitutional representation in this branch of the national Congress. Yet such deprivation has occurred in several recent instances, our own state being one of the sufferers, and the fact emphasizes a defect in the present plan, which calls for speedy correction. The people may be deceived upon the subject of electing United States senators by direct vote, if the power to elect by direct vote were placed in their hands. Moreover, questionable and improper influences might be brought to bear upon the voters, and the result being that possibilities for the future of the dry regions are thereby opened up to us in a way to which hardly dreamed of before. We cannot too soon place our state in a position to realize the benefits of the proposed amendment to the constitution. As the bicentennial of American independence is being celebrated, Utah should be one of the first to extend cordial recognition to the general government for its proffer of aid, and make itself at once ready to accept the fullest extent of the opportunities afforded. Of first importance is probably the definition of existing water rights, and the prompt establishment of law or the matter of irrigation. Any controversy of this nature must be settled before the advantages of the national laws may be realized. This one item is appropriately designated as the primary need of present-day irrigation. "The settlement of all conflicts" has been represented in a recent convention in this city as a concrete step toward the action of the government under the recent congressional acts in aid of irrigation extension. A plan for the accomplishment of these two purposes—the one dependent upon the immediate opening of your best efforts. The labors of disinterested committees and citizens, such as are now in progress in this city and other parts of the state, are to be commended for good in accomplishing an adjustment of water rights and an amicable settlement of water interests in the districts involved. I suggest that if by any provision of wholesome laws such persons can be encouraged, to the end that the merging of water rights and interests may be hastened and legalized, such a step would be of great importance; and in furtherance of the same idea I recommend an appropriation of \$5,000 for the ensuing two years to be used under the direction of some person or persons, to be named by the legislature, or by commissioners to be appointed for the purpose, in meeting the necessary expense of continued work of investigation in these matters. The subject is presented which I conceive is in all respects worthy of your solicitude and wisdom. It need hardly be said that my co-operation in the enactment of wholesome laws holding persons who will be cheerfully accorded.

EDUCATION.

Of all the sources of state pride, there is none so great and so praiseworthy as the educational facilities offered the children of this state. From the kindergarten to the common schools up through to the high school and the university, a complete and well-organized system of public instruction is provided, and all of it, free to every child of the state. It is true that in some parts of the state there are no high schools, but these are gradually increasing in number as well as in efficiency, there being no fewer than nine within the state, located at the following places: Salt Lake City, Ogden, Park City, Brigham City, Draper, Sandy, Payson, Springville, American Fork, Lehi, Nephi, George, Fillmore, Richfield, Moroni, St. George, Kanab and Moab. Certain it is that the enthusiasm of our people over our splendid educational advantages is amply justified by the following statistics:

Increase in attendance in public and private schools during the seven years since statehood, 64.86. Increase in expenditure for schools per annum, \$53,518. Increase in valuation of school property, \$1,832,326. The balance of the increase in expenditure for the year is \$1,832,326. It is in the support of the fact that our educational standard is well advanced, it is furnished by Governor Thompson in his report for 1903 the amount per capita expended for school purposes in the various states. The lowest was North Carolina, where \$1.00 per capita was spent; the highest was Nevada, where \$5.20 per capita was spent. In Utah during that year \$4.05 per capita was spent, and in the succeeding years in Utah, viz. in 1901, \$4.87 per capita and in 1902, \$5.20 per capita. While these conditions are comparatively most favorable to Utah from the standpoint of the educator, the question to be considered by you in whether from the standpoint of the taxpayer they are not more favorable than the state can afford and whether or not our educational advancement is more rapid than our revenues justify. The report of the state superintendent of public instruction is replete with information concerning our educational status, and I suggest that your further educational progress be the result of experience and wisdom, and should be weighed by you as the ex-

Duty on Coal to Be Rescinded.

House Committee on Ways and Means Will Report Bill Providing for a Rebate, Equal to Duty Now Imposed, on All Kinds of Coal, and Coming From All Counties, for Period of One Year—President Approves Measure.

Washington, Jan. 13.—The ways and means committee of the house today decided to report a bill providing for a rebate—equal to the duty now imposed—on all kinds of coal and coming from all counties for a period of one year. This bill is a substitute for the one introduced by Rep. Hill, of Connecticut, which provided for a rebate until June 30 next. It is expected the bill will be called up in the house at once.

The bill adopted provides:

"That the secretary of the treasury be and he is hereby authorized and directed to make full rebates of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act."

Representative Richardson of Tennessee, proposed an amendment striking out the words "for a period of one year," which was voted down. He then proposed an amendment placing all coal on the free list, which was also voted down. The final vote on the adoption of the bill was unanimous.

Representatives Payne, Dinkell and Grayson introduced a companion bill, which they introduced this morning relative to the action which had been taken by the committee.

The committee reported the bill but will not call it up in the house today as originally contemplated, the decision having been reached to bring it up under a rule tomorrow.

DRAWN TO DEATH BY A COW

Horrible Fate of Little Belle Wolfley Near Murray Yesterday—Child Was Watering the Cow When It Took Fright at Passing Train and Ran Away.

Belle Wolfley, an eleven-year-old girl, met with a horrible death yesterday near Murray. She was the daughter of a widow and had a cow to water. She was in the act of drinking when she was pulled down by the cow. A railway train passing at the time frightened the cow and she ran after her, dragging the helpless child after her.

SELF-PRESERVATION THE THEME.

County Physicians, at Their Annual Banquet Last Night, Express Themselves in Strong Terms Against Clairvoyants, Christian Scientists and Osteopaths.

The Salt Lake County medical society, last night's banquet at the Commercial club, expressed strong sentiments in favor of legislation which will protect the profession from clairvoyants, Christian Scientists and osteopaths. Dr. Scott led the movement, and his brethren in the Eclectic science were with him. Dr. Scott also referred to the Payne case, and intimated that the position of local physicians generally had not been given to the public. He called for all the evidence in the case. Dr. Kling, the retiring president of the society, complimented his successor, Dr. A. C. Ewing, and congratulated the society on the work accomplished in the past year. Dr. Ewing was master. Among the toasts were "Impossibilities," by Dr. H. S. Scott; "Argenti Nitrate," by Dr. J. S. Critchlow; "Human Nature as the Best Study," by Dr. A. C. Ewing; "Tactile Strabismus," by Dr. Henry LaMotte; "Motor Aphasia," by Dr. Union Worthington; "Lapetus Linque," by Dr. H. D. Niles. The banquet was well enjoyed and was a success in every way. The tables were handsomely decorated, and an orchestra furnished sweet music. About 45 doctors were present.

"HAUL DOWN THE FLAG."

When Its Work is Done, Says Dr. Schurman of Cornell.

St. Louis, Jan. 13.—A special to the Republic from Columbus, Mo., says: In a speech before the students of Missouri university, Dr. Jacob G. Schurman, president of Cornell, said that the Philippine islands should be given their independence.

"Haul down the flag," he said, "whenever its work is done." There are but three ways to dispose of the islands: Hold them as subjects, admit them as states, or give them their independence.

The first course will result in continual warfare with them; the second course is not practicable. The third course is the only practical and sensible one. Some say don't haul down the flag, but the work of the flag is finished, and it should be hauled down.

Mayor Low to Meet Coal Men.

New York, Jan. 13.—Mayor Low expects that representatives from all the coal carrying roads will meet him for a conference on the coal situation today in response to his invitation. This conference, he hopes, will be the means of putting a stop to exorbitant prices for fuel.

It is the intention of the mayor to discuss the coal situation in the morning with his visitors, as then the railroad men will be more inclined to discuss the matter freely.

Dealers say that coal today will generally retail at \$12 a ton throughout the city.

Mrs. Astor's Grand Ball.

New York, Jan. 13.—The ball given by Mrs. Astor last evening at her Fifth avenue residence was, as for many years past, the most interesting and important event of the winter season. The ball was in several respects the most brilliant and successful that Mrs. Astor has ever given. It was marked by the presence of an unusual number of titled visitors and of members of the diplomatic corps from Washington and London, and the ball was a success in every way.

Feto's History.

New York, Jan. 13.—Jose Carlos Feto, who on Saturday fired a shot from a pistol at a carriage in the royal procession in Madrid, lived here during many years, says a Herald dispatch from Madrid. He married a French woman, who is still living here with two children. In 1899 he was employed as a guard by a tramway company and suffered a fall from a car, which seems to have disturbed his mental faculties. On March 7, 1900, he was committed to the Mercedes Lunatic asylum in this city, from which he fled on Feb. 18, 1901, rejoining his family. He was much improved, but had frequent violent attacks, in one of which he attempted to kill his wife. During these attacks Feto would discuss vehemently various topics, especially social questions. Nevertheless, he never was a Socialist.

At the beginning of 1902 he expressed a wish to return to Spain. His wife, who is a hard working woman, gave him money and he started on his journey in March, 1902. Since then she has received two letters from him.

Morocco Matters Get Serious.

New York, Jan. 13.—While the Morocco affair is more serious, so far as the Sultan's reported defeat is concerned, the Tribune's London correspondent cables, there is no apparent danger of international complications. The accounts are vague and come mainly from Tangier, which is a hotbed of intrigue and treachery. Even if the Sultan is forced to retreat from Fez and appeal to the powers for assistance, it is not probable that they can be drawn into a dangerous entanglement. They can readily accommodate themselves to a change of power in Morocco when it is inconvenient for any power to assume the responsibility of restoring order among the barbarous tribes. The settlement of the Moroccan question will be a matter of European, not British, intervention is probable.