majority of the Legislature were thoroughly convinced that those commissioners were not officers, the Governor claimed that they were. Supposing the matter was in doubt, the Governor, in our opinion, should have given the people and their representatives the benefit of that doubt. The money was theirs, they had a right to say how and by whom it should be dispensed, he is not their elected officer, he is not responsible to them, his absolute veto of their expressed will was arbitrary and anti republican.

But we do not regard the question of his authority in this matter as doubtful. We have stated that judges and lawyers of eminence were emphatic in their decision that the right to appoint, in this instance, was in the Legislature, because the individuals to be appointed were clearly not officers within the meaning of the law. We here present some authorities on this question and ask candid consideration of them, without any animosity or attempt to stretch a point one way or the other.

In a case before the New York Court of Appeals from the General Term of the Supreme Court in reference to the appointment of a commissioner to act as surrogate in the probate of a will, the Court held that

"The term 'public office' as used in the Constitution has respect to a permanent office, trust or employment, to be exercised generally and in all proper cases; it does not include the appointment, to meet special exigencies, of an individual to perform transient, occasional or incidental appointments, such as are ordinarily performed by public officers; as to such appointments the Legislature is left untrammeled and at liberty to invest the courts with power to make them."—N. Y. Reports xxvi, p. 244.

Although the Utah case and this are different, the principle involved is exactly the same in both. "A public office" is distinctly defined, and as the commissioners in the World's Fair bill were not appointed to "a permanent trust" but only to "meet a special exigency" and to perform a "transient" duty, they are not officers in the meaning of the law.

In an appeal from a Chancery Court to the Court of Appeals of Kentucky, the question was whether commissioners to superintendent the building of a court house were officers under the Constitution, which forbade the creation of an office the term of which was to be more than four years. The Court held they were "not officers within the meaning of the Constitution but were the mere agents for the district, required to discharge certain duties with reference to the courthouse, and when those duties end their employment terminates."—Kentucky Reports, lxxxi pp. 67-73.

This is precisely the status of the commissioners to expend the money for the World's Fair. So in the following case—"Walker vs. City of Cincinnati, before the Supreme Court of Ohio, in which the Legislature had authorized certain judges to appoint trustees of a contemplated railway. It was claimed that the Legislature did not have power under the State Constitution to appoint. But the Court held that these trustees were not 'public officers' in the constitutional sense" and said:

"These trustees have no connection with the government of the State or of any of its subdivisions. They have nothing to do with the general protection and security of persons and property. Their duty is to procure and superintend the construction of a par icular road and to lease it when constructed."—American Reports, viii, p. 35.

In the case of Jacob Bunn et al. vs. the People of the State of Illinois, before the Supreme Court of that State, appealed from the Superior Court of Chicago, the same constitutional question was at issue. The Legislature had passed an Act for the building of a State house and appointed commissioners to expend the appropriation for that purpose. The State Constitution provides that

"The Governor shall nominate and by and with the advice of the Senate (or a majority of all the senators concurring), appoint all officers whose offices are established by this Constitution or which may be created by law, and whose appointments are not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly."

It was claimed under this and another provision of the Constitution that the Legislature had no power to appoint these commissioners. But the court ruled that

"The commissioners appointed under this act are not officers within the meaning of the Constitution, but were agents or employes for a single and special purpose whose functions are at an end at the completion of the work."

"A person employed for a special and single object, in whose employment there is no enduring element, nor designed to be, and whose duties, when completed, although years may be required for their performance, *ipso facto* terminate the employment, is not an officer in the sense in which that term is used in the Constitution."

The Court also considered the definitions given to the term office, by lexicographers, legal and otherwise, but considered, as admitted by counsel in the case, that they were faulty, and that the term "officer" had reference alone to "such officers as had some portion of the functions of government committed to their charge."—Illinois reports, xlv., p. 397.

This case is exactly parallel to the Utah case now under discussion. If the Illinois commissioners were not officers, neither were the World's Fair commissioners for Utah, officers. And if the Illinois Legislature had authority to appoint such commissioners under their Constitution, so had the Utah Legislature under our Organic Act. And if the Governor of Illinois had nothing to do with the appointment of the former, neither had the Governor of Utah in the appointment of the latter.

In Hall vs. Wisconsin, before the Supreme Court of the United States, a similar question was involved. The Wisconsin Legislature passed an act to provide for a survey of the State and appointed commissioners to make the survey, defined their duties and provided for their compensation. In a suit for the recovery of some money under a contract, it was demurred that the appointment of the plaintiff was an office and therefore the Legislature could abolish it at pleasure. The case came up on appeal from the Wisconsin Supreme Court and the court of last resort ruled on this point as in a former case before it—United States vs. Hartwell—as follows:

"An office is a public station or employment conferred by the appointment of government. The term embraces the ideas of tenure, duration, emolument and duties."

"In U. S. vs. Maurice, Mr. Chief Justice Marshall said: 'Although an office is an employment, it does not follow that every employment is an office. A man may certainly be employed under a contract expressed or implied to perform a public service without becoming an officer —U. S. Reports, Otto XIII p 8."

The Court quoted approvingly the decision of the Supreme Court of Wisconsin in United States vs. Hatch, which was:

"The term *civil officers*, as used in the organic law (Act of Congress of April 20, 1836) embraces only those officers in whom a portion of the sovereignty is vested, or to whom the enforcement of municipal regulations or the control of the general interests of society is confided, and does not include such officers as canal commissioners."

In the Hatch case the Supreme Court of Wisconsin further said:

"The register and other officers appointed for the disposal of said lands are not *civil officers* within the meaning of the organic law of the Territory, and the Legislature has the right to appoint them directly by naming them in the law, or to elect them under an existing law providing for that mode of filling those offices, and the exercise of this power does not conflict with the right of the Executive to appoint all civil officers."

These will suffice for the present. The identical question involved in the dispute between the Utah Legislature and Governor has been determined in the courts of different States and in the Supreme Court of the United States, and therefore should be considered as settled. The Governor is clearly in the wrong. The Legislature had the authority to appoint these World's Fair commissioners, if there is any virtue in these numerous judicial decisions. And the Governor just as certainly exercised his veto power, arbitrarily and indiscreetly in vetoing the bill for the reason which he offered.

If the ill-br d and abusive organ of the Governor and of the "Liberal" faction can "refute" these decisions we will be pleased to see its strong reasons. But if it can only offer blackguardism in reply, it will do well to preserve a discreet silence.

POLITICS AND RELIGION.

WE hope the declaration made by Presidents Woodruff and Smith, in relation to Church influence in politics, will prove satisfactory to all who are interested in the matter and put an end to every quibble and dispute on this subject.

One of the most fruitful sources of trouble just now is the irritability of partizans on either side. They are so worked up in their feelings that their judgment is sometimes impaired, and small things are magnified in their eyes till they appear to be mountains of difficulty.

It is to be regretted that the men who were once united under the ban-