

THE LEGISLATURE.

HOUSE, MARCH 10TH, 2 P. M.

The consideration of the charter of Cedar City was resumed, and at 2:25 the bill passed unanimously.

The Council having notified the House of their passage of several House bills, without amendments, and others with amendments, the House concurred.

The amendments to the bill in relation to the city charter of Smithfield by the Council, were concurred in by the House.

The bill amending the act incorporating Provo City was read the third time and passed by unanimous vote.

Council bill 38 was laid on the table of the House.

At 2:45 the House took a recess subject to the call of the Speaker, and at 4 p. m. was again called to order, when, at the request of the Speaker, Secretary Thomas proceeded to read a lengthy veto message from his excellency the Governor, giving reasons for his refusal to sign the appropriation bill, for general purposes. During the reading, the members of the Council and some visitors were present in the House. The message, which is most insulting in its character, occupied twenty minutes in reading, and was ordered to be spread on the minutes of the House, and forwarded to the Council for their information.

Following is the memorable message, that will "go thundering down the ages."

SALT LAKE CITY, March 10, 1886.

Hon. W. W. Ritter, Speaker House of Representatives—

SIR—If it were possible for me, with my sense of duty as an official, to sanction the bill H. F. No. 67, the general appropriation bill, I should gladly do so. I am not oblivious to the fact, that withholding the disbursements of public moneys from objects of importance will work hardships and inconvenience, and on these accounts I had hoped that no circumstances should interpose to prevent my approval of appropriations from the treasury, as the proper administration of the laws and the interests of the public demand.

Finding, however, that there are insuperable objections to the bill becoming a law, I feel compelled to state them in a form not to be misapprehended.

This bill contemplates the continuance in authority of the present usurping incumbents of the offices of Territorial Auditor and Treasurer, and to permit the disbursements of the public moneys through these agencies.

If the Legislative Assembly proposes to sanction the usurpations of these officers, which by this bill it will do, permit persons lawlessly occupying responsible positions—even more, the most responsible in the Territory to its people, without and in violation of law, to receive, control, keep and disburse the moneys collected by taxation from the people, then I wish to state, with emphasis, that it cannot have my sanction.

Officers who have to do with the public funds, are of all others to be held up to strict account. Last of all others, there should be no question as to their title, their authority or qualifications.

In the time contemplated by this bill, there will pass through the control, discretion and custody of the Auditor and Treasurer of this Territory more than a quarter of a million dollars. The incumbents, the intruders in these positions who have held their office by like tenure for years, have no more lawful rights therein than any other usurper can present to the place he may have invaded. Their claim has in it not one element that touches the domain of the respectable except its audacity and its success. The bold trespasser who, finding your house without an occupant, enters it by force, and asserts his possession of your hearthstone to be lawful, is in the same position as those so-called officers. Obtaining their positions in violation of the fundamental law, they have successfully defied the law, the courts, the Congress of the United States, and all respectable, intelligent public opinion. If it were not for the countenance and encouragement, which this unlawful administration, of the Territorial government secures by the support of the Legislative Assembly, and the refusal of one branch of that body to do its duty under the Organic Act, which requires it to act on nominations made by the Governor for appointments to Territorial offices, this discreditable condition of affairs would not exist. Instead of officers connected with, receiving, keeping and disbursing the public moneys, whose every act is tainted with illegality and usurpation, we should have those delicate and responsible positions held by persons whose authority would be unquestioned, and who could be held to an accountability for their acts if improperly performed.

The question involved is not one of ordinary expediency—it is fundamental, elementary and vital. The Territory of Utah, under influences which do not require to be named to be understood, has seen proper, so far as the Legislative power could be used to that end, to restrict the authority of the United States, and of the officers appointed by it, to as narrow a compass as possible, and to expand and build up the authority and vigor of the local power. The facts establishing this statement are so numerous, and the purpose and occasion for it has been so often proclaimed that it is not a subject of conjecture. In furtherance of this purpose the power conferred by the Organic Act to the Governor to nominate, and with the consent of the Legislative Council, to appoint, all Territorial officers, has been withdrawn from him so far as the enactment of a statute in form could do so, and conferred on those under local influences. To the extent to which such officers participate in the Territorial government, it is unlawful. At one time it was more extensive in its scope than now. It invaded the field of the judicial department with its Attorney-General and its Territorial Marshal, and only when these officials in name, not in law, were banished from their places by successors, who came with a Presidential commission, was the Territory relieved of their pretensions.

Now, notwithstanding the Supreme Court, the opinion of the Attorney-General of the United States, the highest law officer of the government, all reputable juridical opinion coinciding, these officers are in position, and have always been, in defiance of law, I am asked to either sanction their usurpation or allow the government of the Territory to suffer for want of funds necessary to carry it on. I do not hesitate as to my duty, and

fully accept the responsibility that duty imposes upon me in the premises.

At the commencement of this session of the Legislative Assembly, I called the attention of the body to the condition of affairs, and with a view of removing what might be regarded as insuperable difficulty in the way of legislation affecting the custody, control and use of the public funds, I transmitted the names of persons whom I regarded as suitable for the positions to the Council for its advice. The perfect silence with which that communication was treated, and the purpose of this and other like bills, indicates that nothing is to be expected that will overcome the objection to such legislation.

I find myself, therefore, in the closing hours of your legislative session, confronted with the old and well understood wrong, with no evidence of any purpose to relax the attempt at usurping authority not given, and either force the Executive to submit to it, or throw upon him the consequences.

At such a time, in such a crisis, and in such a cause, I act with no reluctance. One course is, that of acquiescence in a known violation of law, and the surrender of rights belonging to my office and its perversion to the strengthening of an un-American and usurping authority at war with lawful rights. The other is, duty to my country, to its laws, to my conscience and the highest interests of Utah. The choice for me is not difficult. I shall do nothing to aid in the former, and I shall do everything lawfully in my power in aid of the latter, even if the Legislative Assembly continues to be oblivious to the law of the land, which fixes the duties of the Executive and Legislature, and under which both he and it exercise their functions.

With a conservatism that has often done violence to my intelligence and my sense of what is patriotic, I have, for over six years past, labored faithfully to discharge the duty which my oath of office, twice taken, has imposed upon me as Governor of Utah. I have endeavored to establish the doctrine of hate, to foster a love of country, and of obedience to the laws, and to have the people of Utah, individually and by their Legislature, place themselves in line with those who recognize the duties and value the privileges of American citizenship, and who admit their highest allegiance to be to the government of the United States.

On no occasion, either in public or in private, as an officer or as a citizen, have I uttered an unkind word, or felt an unkind impulse towards the people of Utah, or any class of its people. On the contrary, they have always had, and they now have, my truest sympathy and my best energies and hopes for their welfare and prosperity. I am ready to do anything consistent with the Constitution and laws of my country to aid them and set them forward on the high road of happiness, prosperity and content.

There have been four different administrations in charge of national affairs since my duties as governor of Utah began. By each of these I have been advised of their desire to have Utah conform itself to the institutions of the country and laws of the land. I have as an official and in my personal intercourse with each become cognizant of the anxious desire of all of them that the people who dominate in numbers in Utah, should align themselves with that prevailing public sentiment in this country, which would make them cease to be the subjects of special attention on the part of the general government. I think my opportunities enable me to speak, not only for the national sentiment, but to know and speak of the hopes and aspirations of not a few of every class and sect in Utah.

I am sure there is no desire to needlessly interfere in the local affairs of Utah, and no wish to do more than to vindicate the law of the land, and have its authority recognized in the same way and to the same extent as in other Territories of the nation. I have in all my intercourse with this and prior Legislative Assemblies striven to impress upon them this wish and this purpose. I regret to say that I have been met in this, and in other measures affecting these questions by the positive opposition of those who claim to be leaders of the majority of the people of Utah. They proclaim that their opposition is primarily to the laws that I am sworn to uphold, and so far as I can, see faithfully executed. Because of this, all the virus of the local press and pulpit, controlled by them, has been poured out upon me, as if I were the offender instead of the law, which it is our common duty to obey. Legislatures in the past have been unmindful of my appeals, but now, I most respectfully invite your body to say whether it would not have been wiser and better for Utah and the Mormon people, who compose so large a majority of its population, if some of my appeals had been heard.

When we look about us and see homes and families deserted by men fleeing from laws which they had so long defied with confidence that danger was far distant; when day by day is multiplying evidence that a patient country has been waiting to see if Utah would not herself right what the public conscience believed to be wrong, but is at last marching with steady and unflinching purpose to the end; when we see these things, is it not time for this Legislature and the authorities in Utah to pause, and address themselves to the reformation of affairs that will not, and cannot, always endure as they now are? If you shall neglect to make proper provision for the public interests, for the enforcement of the laws, and for good government, then those interested in the preservation of good order, will of necessity be compelled to ask the general government to take up such items in the present bill as are necessary and right and make the appropriations which we ought to make. That Congress may appropriate the moneys collected here, and disburse them through agencies chosen by itself, there is no question. But should we permit this to be done, when avoiding it is easy, and plain, and our duty? There is already too much inviting the attention of Congress to our local affairs. Let us not add to the necessity by refusing a plain and obvious duty. The fact appears that the difference between us is inseparably connected with this bill, and more, not less, than I have discussed is involved.

The fact that there is a determination to continue to use the power of the Territorial government to uphold the leaders of an organization in efforts to defy the laws of Congress against polygamy, and to maintain their pretensions to dictate in the civil affairs of the Territory, must evoke discussion and difference on this or any like measure between the Legislature and the Governor.

It is this that keeps us from coming together like zealous public servants should do, and all striving to do our best for the common good. So long as public measures, whether they be jury bills, transfer of proper legislative authority to municipal councils, or this bill, are to be made subservient to the effect they may have upon the claims of any organization over its adherents, and to the defense of the practice and doctrine of polygamy, so long will this contest con-

tinue. I am free to say that the people of the United States, believing polygamy to be the great evil affecting Utah, have been slow to interfere in matters affecting our local style of civil government. So fearful of doing what might be wrong they have been slow to do what is imperatively right. To that extent the people of the nation are responsible morally for the establishment and continuance through many years of a local government which is not only not in harmony with the laws of the United States, but represents a system which is in antagonism to any government which it does not control. It is this idea of government, this defiance of lawful government, which I am asked to acquiesce in, and lend power and aid to, by appropriating money to maintain its purposes, and support its instruments, in signing this bill. I am asked to become a party to it, and to join in the exercise of forbidden and unlawful authority. I am asked, by it, to assist the local power in this Territory in tramping under its feet the laws of the United States, to spurn the decisions of the United States Supreme Court, disregard the opinions of the Attorney-General of the United States, and my own.

I am asked to give the revenues of this entire Territory, collected from all classes of people, into the hands of those who have been held in place in direct opposition to a plain law of Congress, under an illegal statute of the Territory, and a void election held years ago, and whose sureties in event of malfeasance or default in office, could escape all pecuniary responsibility for the loss. The public funds of this Territory have long enough been kept in the office of the President of the Church of Jesus Christ of Latter-day Saints. The conjunction of public moneys, and the ecclesiastical authority over its guardian, is a bad if not unsafe practice. They should be divorced and honestly kept apart.

An additional objection to this bill, related closely to the ones already stated, exists in the fact that nearly one half the appropriations provided for, after passing through the hands of the persons assuming to be Auditor and Treasurer, are finally disbursed by boards chosen in a manner equally with those persons in violation of the law of Congress.

There are also specific items in the bill, the expediency of which is open to the gravest question, but I omit to discuss them because of more vital objections which I have felt constrained to present in, the haste required by your early adjournment.

In conclusion, I have only to say that I will not consent to the appropriation of one dollar of the public funds, collected, kept or disbursed by the well-determined unlawful agencies existing in this Territory. We should understand each other respectfully and fully. This Territory has been permitted to defy the laws and the courts long enough. It must either cease to do so, or with my consent it shall no longer cover its disregard of the laws of my country under the forms of Territorial Statutes.

I have not the moral or legal right to sign the bill, and herewith respectfully return the same without approval.

ELI H. MURRAY, Governor.

The stock branding bill has been postponed indefinitely.

The Council having amended and passed the Provo charter bill, the House concurred.

The Governor approved, to-day, the bill introduced at the beginning of the session by Mr. Smoot providing for the distribution of 200 of Joseph A. West's maps of Utah. This is the first bill his excellency has approved. He also approved the bill for the growth of timber, and that for prohibiting bulls from running at large at certain seasons of the year in Rich County.

Adjourned till 2 p. m. Thursday.

MARCH 11.

After the usual opening exercises in the House this morning a message was received from the Council together with one from the Governor containing some suggestions from him, in relation to the Council bill on highways. The Council having amended the bill so as to meet the suggestions of the Governor, the House concurred and the bill was repassed by unanimous vote.

House bill for the record of marriages was postponed indefinitely.

Mr. McLaughlin, by unanimous consent introduced a bill appropriating money for the payment of the officers of the 27th session of the Legislative Assembly of the Territory of Utah, the amount proposed to be appropriated being \$4,300.

Mr. King expressed his approval of the bill and hoped it would pass.

The bill provides that each officer, before receiving the pay shall assign to this Territory his claim against the United States for services during this session.

Mr. Creer, member from Utah County, opposed the bill and moved that it be laid on the table indefinitely, because it did not include the pay of members as well as the officers.

His motion was put and lost, he being the only one that voted for it.

The bill under suspension of the rules, passed.

Recess till 2 p. m.

COUNCIL, MARCH 11.

The committee on judiciary reported back H. F. No. 82, a bill to provide for the payment of the officers of the 27th session of the Legislative Assembly, and recommended that inasmuch as his excellency had in his veto message stated that he would not countenance the appropriation of one dollar of the public money it would be a waste of time to further consider this bill; adopted.

A message was received from the House announcing the Governor's veto of the appropriation bill.

A communication was received from the Governor, with which he returned C. F. No. 27, a bill to amend the charter of Morgan City, and suggested certain amendments, which were adopted, and the bill was sent to the House.

A message was received from the Governor announcing his approval of C. F. No. 7, a bill amending sections 4 and 6, chap. 45 session laws of 1884; C. F. 8, a bill pertaining to highways;

C. F. No. 20, a bill amending sections 578 and 580 compiled laws of Utah, and C. F. No. 41, a bill to amend an act incorporating Logan City.

A number of joint resolutions were read protesting against the veto messages of his excellency the Governor to the various bills vetoed during the session of the Legislature, which, on motion of Mr. Page the Council concurred in.

A communication from the House was received, announcing the passage of C. F. No. 27, a bill amending the charter of Morgan City; also notifying the Council that his excellency had approved a number of House bills.

A message was received from the Governor dominating for

Territorial Librarian—Arthur Pratt. Recorder of Marks and Brands—Arthur Pratt.

Territorial Sealer of Weights and Measures—Christopher Diehl.

A communication was received, announcing the Governor's veto to two House bills.

A message was received from the Herald Publishing Company tendering the Council a receipted bill for daily *Heralds* furnished during the session, together with a statement that this was in consequence of the Governor's veto to the appropriation bill in addition to the withholding of the per diem; spread upon the minutes.

A recess was taken till 8 o'clock in the evening unless sooner called by the chair.

The President called the Council to order at 8 p. m.

Mr. Hammond reported from the committee on education substitute to C. F. 38, a bill amending sec. 4, chap. 30 session laws of 1884—the school law. This bill covered all the Governor's objections. It was read the first, second and third time and passed.

The Governor sent to the Council the following nominations:

Chancellor of the University of the State of Deseret—Henry W. Lawrence. Regents—J. B. Rosborough, Thomas Marshall—J. R. Walker. C. C. Goodwin, G. S. Erb, W. S. McCormick, G. M. Scott, Richard Mackintosh, John R. Park, M. S. Severance, M. B. Sowles, and J. L. Rawlins.

Treasurer—Walter Almy.

Directors of the Insane Asylum—W. N. Duscuberry, James Dunn, A. O. Smoot, Jr., John C. Young, J. E. Dooley and W. M. Ferry.

The President announced that the sergeant-at-arms was responsible for the sum of \$340.70 for newspapers and stationery furnished the Council during the session, and Mr. Sharp moved that the President be appointed treasurer to receive donations from the members to liquidate this debt.

Mr. Sharp proposed to stand by the President for this sum after those members who were able had donated as they felt disposed, as he was willing that the sergeant-at-arms should go home in peace.

A communication was received from the House announcing that H. F. 15, a bill to amend the charter of Richfield had, been amended to meet the views of the Governor. The amendments were read, approved and returned to the House.

Mr. Grover asked and obtained leave to present a bill to prevent the befouling of waters; read the first, second and third times and passed. The title was amended to read "a bill to prevent the befouling of water used for domestic purposes," and the House was ordered to be notified.

Another communication was received from the House announcing that the Representatives had adopted joint resolutions asking the general government to donate certain lands for the use of the Territorial Insane Asylum, and the Council was asked to concur therein. The resolutions were read and the joint memorial was read the second and third time by its title and passed.

Notice was also received that H. F. No. 64 had been returned to the House, with suggestions, and that the bill had been amended to meet the views of the Governor. The amendments were read and the bill returned to the House.

Another message from the House stated that H. F. No. 64, amending the code of civil procedure had been returned by the Governor without his approval, that said bill had been amended to meet the views of the Governor, and that it was now submitted to the Council for approval; amendments concurred in, and the bill returned to the House.

The House having passed S. to H. F. 14, a bill to amend sec. 21, chap. 49 session laws of 1884, it was read the first, second and third time, passed and was returned to the House. This bill amends the irrigation act.

Notice was also received of the House having passed H. F. No. 84, a bill for the relief of prisoners released from the Territorial Penitentiary; allowing each prisoner so released the sum of \$5 from the Territorial Treasury. It was read the first, second and third time and passed, and the House was so notified.

Another communication from the House announced the passage of a joint resolution that the Auditor be authorized to redeem Territorial certificates of jurors for 1882 and 1883, which was read and referred to the committee on judiciary.

Mr. Hammond, from the select committee of the Council, moved a resolution thanking the President of the Council for the fair and able manner in which he had discharged the duties of his office and presented him with a handsome ebony gavel bound with

bands of Utah silver and gold, with a Utah gold plate with inscription.

The President acknowledged the kind expressions and accepted the gavel as a mark of their kind regard.

A message from the Governor announced his approval of C. F. No. 2, relating to the Morgan City charter and C. F. No. 28, amending the Moroni City charter.

Notice was received from the House of H. F. No. 29 having been received from the Governor, with suggestions, and, that the House had amended said bill to meet the views of his excellency. The Council approved the amendments and returned the bill, which relates to the herding and branding of cattle, to the House.

Mr. Hammond, from the committee on enrollment, reported that C. F. No. 38, a bill amending Sec. 4, chap. 30, session laws of 1884, had been amended to meet the Governor's views and again forwarded for his official action.

A message from the House announced the passage of C. F. No. 43, a bill to prevent the befouling of water used for domestic purposes, without amendments.

A message from the Governor announced his approval of C. F. No. 33, amending the school law.

Mr. Grover, from the committee on H. J. R. No. 24, authorizing the Auditor to redeem jurors' certificates, reported that as this would appropriate money from the treasury and the Governor had stated that none would be so appropriated, the committee recommended that it be rejected. Adopted.

C. F. No. 43, a bill to prevent the befouling of water used for domestic purposes, was correctly enrolled and forwarded to the Governor, who within three minutes after receiving it gave it his approval—the quickest time on record.

Mr. Hammond called up H. F. No. 78, a bill for the construction of union railroad depots, etc., which was read the first and second times, when the further consideration of it was laid over till 10 a. m.

A communication was received from the House announcing the passage of H. F. No. 85, a bill in relation to the impounding of animals and the sale of estrays, etc., which was read the first, second and third times and passed, and the House was so notified.

H. F. No. 88, a bill to prevent the spread of contagious diseases among stock, was read the first, second and third times, and passed, and the House was so notified.

The report of the joint committee appointed to consider the Governor's vetoes, made their report on the vetoes to the bills amending the charter of Ogden City, the jury bill, also the appropriation bill; read and ordered spread on the minutes.

COUNCIL—MARCH 12.

At 10 a. m. Mr. Hammond called up H. F. No. 78, a bill to provide for the construction of union railroad depots, etc., which was read the second time, and, on motion of Mr. Sharp, was laid on the table subject to call.

Mr. Barton called up C. F. No. 35, a bill in relation to trusts, which was read and passed.

Mr. Sharp asked and obtained leave to introduce C. F. No. 45, a bill to amend an act in relation to the proceedings in justices' courts and for appeals to the district courts, which was read the first, second and third times and passed.

C. F. No. 9, amending sections 212 and 214 of the compiled laws was taken up and lost, and then reconsidered and passed.

C. F. No. 4, amending section 70 of the civil code was taken from the table, read the second and third times and passed.

Mr. Sharp introduced C. F. No. 46, a bill to amend sec. 6, chap. 28, in regard to licensing and regulating the manufacture and sale of liquors, which was read and passed.

A message from the House was read, notifying the Council that C. F. No. 4 had passed the House with amendments, which were read and concurred in and the bill passed.

A message from the House announcing the passage of C. F. No. 46, a bill in relation to the manufacture and sale of liquors, was referred to the committee on enrollment.

HOUSE—MARCH, 11.

At 2 o'clock the House again assembled.

Mr. West presented a report from the joint committee on vetoed messages. The report recapitulated some of the "reasons" offered (and heretofore published) for vetoing the several bills disapproved by the Governor, which it showed to be no reasons, but specious pretenses, and embodied a number of resolutions expressive of the views of the assembly pertaining thereto. The report was received and the resolutions adopted and ordered spread on the minutes, Mr. McLaughlin voting "No," and the Speaker voting "Aye."

The following was also presented by Mr. West, and adopted:

Mr. Speaker—Your special joint committee appointed to consider the veto message of His Excellency Eli H. Murray, upon the measures known as the bail bills, beg leave to report as follows:

We do not recommend any apology for such an unusual proceeding. The startling and autocratic conduct of the Governor in annihilating the long and conscientious labors performed by the chosen representatives of an entire commonwealth, justifies and demands from us a reply.

The first bail bill which passed the Legislature was as follows: