

whatever hinders the free and untrammelled expression of the will of the voter at the polls, is wrong, and should not be tolerated. I do not think that the election law of this Territory, now in force, is a good one. Section 5 of an Act entitled, "An Act regulating elections," approved January 3d, 1853, provides that "Each elector shall provide himself with a vote containing the names of the persons he wishes elected, and the offices he would have them fill, and present it, neatly folded, to the Judge of the election, who shall number and deposit it in the ballot box; the Clerk shall then write the name of the elector, and opposite it the number of his vote."

All experience has shown that voting *viva voce*, or by a numbered ballot, is liable to subject the citizen to a degrading surveillance, and prevents that free expression of his will that lies at the very foundation of our system of government. I do not hesitate to say that I am unalterably opposed to all such. They are but the whip which may be used by the strong to drive the weak and compel submission to their wishes. And for the credit of Utah, I urge you to abolish the numbering of the ballot, and give to the people, instead, a secret ballot, the only safeguard of our liberties, making it impossible for one citizen to know how another citizen voted, or to improperly influence his vote. There is now no law fixing the time when the canvass of votes shall be had, and certificates of election issued. Nor is there any provision allowing any other than the Probate Judge, County Clerk, and Selectman, to be present at the counting of the votes.

I suggest to you that a time should be fixed by law for the canvassing of the votes, and that any person voted for at such election shall have the privilege, if he so desire, to be present at such counting.

Civil Practice Act.

I think the Civil Practice Act is defective in many respects; and without calling your attention to the many changes needed, I suggest that a revision of the same at this session is necessary. And further, I respectfully suggest, that in my judgment, it would be well whenever, on the trial of any action at law in the District Courts, it shall be found to turn on important or doubtful principles of law, to authorize a special verdict to be found. And I would also provide that in all cases where the parties agree upon the facts, such agreement, when signed by the parties or their attorneys, shall be made a part of the record; and that all questions of law arising on special verdicts, agreed cases, motions for new trial, and the like, arising in any manner in the District Courts, in law or equity, may be transferred into the Supreme Court for decision, conferring upon the Supreme Court the right to give judgment, remand the cause, or make an order according to law and justice of the case.

Deeds.

I call your attention to the fact that there is not now, nor has there ever been, any satisfactory statute in this Territory regulating conveyancing; no law prescribing how a deed shall be executed, nor requiring the registration of the same. Thus leaving the entire real estate transactions of the Territory in that anomalous condition which must necessarily result in much confusion and vexatious litigation in the future. I cannot urge you too strongly to give this matter, so important to every citizen, so necessary to our future weal, your early attention.

Statute of Frauds.

In this connection I call your attention to the fact that we have no Statute of Frauds. We need such a Statute, and I cannot refrain from expressing the hope that you will meet this public want without delay.

Marriage.

In my message to the Legislative Assembly, at its session in 1872, I urged that body to enact a law upon the subject of Marriage; but I regret to say that nothing was done. There is now no one in this Territory authorized by law to unite persons in wedlock. That there should be is apparent to all. And I recommend that all ministers of the gospel, regularly ordained as such, and all Judges of the Courts of Record, and all Justices of the Peace, be authorized by law to pronounce the marriage ceremony. The marriage relation lies at the foundation of all good society; and I doubt not that you will agree with me, that all rights, incident to that sacred relation, should be clearly defined and firmly established by a plain and positive Statute, and I hope that it will be done at this session. While I do not wish to present to you, in detail, the many features that should be contained in the law, you will permit me to suggest, that in my judgment, a marriage license should be required of all persons before they can be united in wedlock, which license shall be issued by the County Clerk of the County in which the parties reside, requiring such Clerk to keep a record of all such licenses issued by him. I would also require all persons uniting parties in wedlock to furnish the County Clerk with a certificate of such marriage, to be recorded by him in a book kept for that purpose. And it would be well to make it a crime for any person to unite parties in marriage who have not first procured license therefor.

Rights of Married Persons.

Section 4, of an Act, entitled An Act to protect the Rights of Married Persons, approved February 16, 1872, declares that "The right of dowry shall not exist in this Territory." I approved that Bill; but after due reflection, I am satisfied that in so doing I make a mistake. And I recommend that that portion of the act referred to be repealed at this session.

Secretary's Fees.

The Second Section of the Act of Congress organizing this Territory, makes it the duty of the Governor to "commission all officers who shall be appointed to office under the laws of this Territory." Inasmuch as most of the labor connected therewith is performed by the Secretary of the Territory, without compensation, I recommend that a reasonable fee be allowed such officer to be paid by the person receiving such commission.

Probate Judges.

Section 23, of an Act, entitled, "An Act in relation to the Judiciary," approved January 18th, 1855, provides that "Judges of Probate for the several counties shall be elected by the joint vote of the Legislative Assembly. I recommend the repeal of that Section, and ask that such officers be elected by the people. Many arguments could be advanced in favor of the change, but I deem it unnecessary. The genius of our Government, so well understood by every citizen, requires that the right to select their own officers be exercised by the people, who are the immediate source of all authority, and I would have it so in Utah, so far as it can be done under the act of Congress organizing the Territory.

Permit me, also, to suggest that there is great need of a Probate Practice Act, systematizing the practice in probate business. We also need a Statute on descent, and distribution of the estates of deceased persons.

Branch Mint.

The establishment of a Branch Mint by the General Government at some central point in this Territory, has become an absolute necessity. And I urge you to memorialize Congress upon that subject, and to use all proper means at your command to secure that which is so much needed.

Geological Survey.

Of Utah, so rich in mineral wealth and so full of promise, but little is known in a scientific sense, and I recommend that a Geological Survey of the Territory be authorized, and that an appropriation of money be made, by you, sufficient to meet the expenses of the same.

Incorporations.

Section 1, of an Act entitled "An Act providing for Incorporating Associations, for Mining, Manufacturing, Commercial, and other Industrial pursuits," approved February 18th, 1870, requires that two-thirds of the whole number of Directors of all Corporations organized within the Territory shall be residents of the Territory. Capitalists, from all parts of the Republic, are making investments in our midst, for mining, manufacturing and other purposes; and in the organization of Companies, under the law as it now stands, they are compelled to select a majority of their Directors from persons, residents here, who have no personal interest whatever in the enterprise over which they are to exercise control. The effect of such a law is to prevent capital from coming to the Territory. I hope that it may be repealed. Before dismissing this subject I would also suggest that all Incorporations organized in this Territory be required to file their Articles of Incorporation in the office of the Secretary of the Territory.

Finance.

I am happy to be able to communicate to you that the financial condition of the Territory is all that can be desired. The Territory is free from all indebtedness, and now has a balance in the Treasury of \$35,655.47.

For a more detailed statement I refer you to the Reports of the Treasurer and Auditor of Public Accounts, copies of which are herewith transmitted.

Centennial Celebration.

The United States Centennial Commission, by a circular, issued Nov. 12, 1873, invited each State and Territory to appoint a Board of Managers to act in conjunction with the Centennial Commissioners of the several States and Territories, in making preparation for a proper representation at the Centennial Celebration of American Independence, to be held in the city of Philadelphia, in the year 1876.

The suggestion is a good one, and I recommend that such Board be created, and ask that you appropriate a sum of money sufficient to enable them to make such preparation as will reflect credit upon the people of the Territory.

Conclusion.

It is impossible for me at this time to present to you, in detail, all the legislation which is needed in the Territory; but it is your duty to extend a helping hand. And, in conclusion, permit me to express the hope that a spirit of harmony and good will may preside over all your deliberations; that prudence and sound judgment may characterize your legislation; and that in the end much good may be done.

GEO. L. WOODS,
Governor of Utah.

RAIN IN ARIZONA.—The Arizona Miner rejoices over the rain which has fallen there, and closes an article on the subject as follows: No such storm has visited "our shores" since '65 and '66. The snow on the Turkey Creek Divide was fourteen feet deep, at Groom's Creek six feet, and on Prescott Plaza three feet. The mercury stood at sixteen degrees below zero for a week; whisky froze in a soldier's stomach between Prescott and Fort Whipple one night, and he was found dead in the morning. When the Spring-time came, gentle Annie and the bullfrogs were warbling through the vale, in 1863; the heart of the placer miner swelled in his bosom; gold dust was plenty in town; the gay gamblers and the Cheap Johns were alike joyful.

PIOCHE NOTES.

From the Record of Jan. 4—

We obtain from the best sources the information that the amount of bullion shipped from Pioche by express during the past year was \$3,467,561.47. This is equal to \$33,963.65 each calendar month, \$66,683.87 per week, \$9,526.27 per day, \$396.92 an hour, \$6.61 a minute, and at every tick of the clock eleven cents. The total amount would coin 6,935,123 half dollars, and if these were placed in a straight line would reach 240,869 yards, or nearly

137 miles, sufficient to enclose with half-dollar pieces a body of land thirty-four and a quarter miles square.

Our Country Contemporaries.

The Beaver Enterprise of Dec. 30—

Says that on the Saturday evening previous a meeting was held in the Beaver Institute, "for the purpose of agitating the railroad and iron manufacture in this southern country. There were assembled quite a number of our leading citizens." The speakers were Mr. A. J. Stewart, Deputy U. S. Surveyor of the Territory, General Pace, Judge Hart, and Bishop Murdock.

The same paper says—

On Friday last a party of Navajos visited Circle Valley for the purpose of engaging in their favorite pastime of stealing stock, but were detected in time by the herdsmen who fired on them and sent three of the beauties to the happy hunting ground instantaneously, which had the effect of dispersing the band.

Last night two boys, who are well known, but whose names are withheld for the present, took some telegraph wire and bent it over a narrow foot bridge spanning the main water ditch, a block west of the Enterprise office. This was secured on each side of the bridge by long iron spikes, so that a very heavy force coming against it would not have moved it. A Mr. Roberts was passing over the bridge about ten o'clock last night, and of course not seeing the trap, was tripped up and fell with great violence on the bridge, but caught himself before losing his balance. On arising he commenced to tear up the contrivance, when the two boys, who had been skulking in the shadow of Mr. Farnsworth's house, began throwing stones at him, which causes it to appear that they meant the snare for him. If a child had been passing over the bridge, it must inevitably have been drowned, as the water is quite deep and very swift. These embryo ruffians had better be warned in time; as it is, a good cow-hide might help them considerably.

Ogden Junction, Jan. 6—

A sister of W. G. Barrett, of this city, met with a painful accident on New Year's day in Omaha. She is a teacher in that city and highly accomplished. Miss Barrett was receiving calls, when, late in the afternoon, her dress, which was of light gossamer, caught fire by being drawn into the open stove. Her garments were all in a blaze in a moment, but the flames were subdued by a young man who pulled off his overcoat and wrapped it about her body. She was severely burned, her arms, shoulders, and back were terribly scorched, and her hair burned almost to a crisp. She suffered intense pain, but is out of danger. There is no probability of her being disfigured, and the only apprehension is that the shock given to her nervous system may cause her to be confined some time.

Provo Times, Jan. 5—

The First District Court, Judge P. H. Emerson presiding, convenes to-morrow morning at 10 o'clock, in the new Court House.

Ogden Junction, Jan. 8—

Next Wednesday evening, the 14th inst., the First District Agricultural Society will meet in Farley's schoolhouse, at half-past six o'clock, for the purpose of re-organizing the Society, election of officers, etc.

The annual conference of the Weber County Stake of Zion will be held in the Ogden Tabernacle, on Saturday and Sunday, January 18th and 19th, 1874; services to commence at 10 a. m. and 2 p. m. of each day.

This morning's train from the west contained several boxes of fresh flowers culled from the gardens of California. They are intended for a grand bridal festival, which is to take place in Omaha. A consignment of oranges was also among the freight, for the same occasion.

A promising and happy union at the shrine of Hymen was suddenly broken off yesterday morning, much to the ineffable disgust of an expectant lord. A young man in good circumstances and withal prepossessing in address and appear-

ance, led a young miss in her teens to the altar, there, as he fondly hoped, to receive the boon which was to seal his happiness for all future time, but it was not to be. The damsel was inclined to be capricious, and, as she contemplated the awful responsibility of giving herself up, her heart shrank within her, and before the words were uttered that should unite the twain in one, she refused to plight her vows of obedience and love and all that sort of thing, thinking that she was too young, as if "sweet sixteen" were not enough for a girl to marry. The minister refused then to perform the ceremony. The lover was not disconcerted, however, and before the couple separated, she promised to elope with him some day next week.

Provo Times, Jan. 7—

FIRST JUDICIAL DISTRICT.

P. H. Emerson, Judge, Presiding. Tuesday, January 6, 1874.

Court resumed its session at half-past one p. m. The clerk then called the names of the grand jurors, who answered as follows:

F. J. Robinson, J. Muir, T. D. Evans, C. Galloway, J. Sidwell, J. P. Christensen, W. D. Norton, J. Allman, C. Barnes, T. J. Schofield, H. Maiben, James Brooks, John Lee, E. Openshaw and C. Brewerton.

M. V. Ashbrook challenged the array of jurors, upon the same principle that the grand jurors were challenged in the Third District Court. Challenge overruled. The grand jurors were then duly sworn, empaneled and charged. Henry Maiben was appointed foreman. B. K. Bullock and H. C. Rogers were duly sworn as bailiffs of the Court, after which the jurors retired to their room in charge of an officer.

The clerk then called the names of the petit jury, and the Judge remarked as follows: The Court regretted that the circumstances were just as they are, therefore you will be discharged to-morrow; perhaps the legislature will do something in the premises this coming session and supply the deficiency by giving us a prosecuting officer, or Congress may.

A large number of cases were called and continued.

A number of aliens made application and were admitted citizens of the United States.

Court adjourned until to-morrow morning at half past 9 a. m.

Wednesday, Jan. 7, 1874.

Court opened at half past 9 a. m. as per adjournment.

Rules of Court: 1st. Before entering upon the trial of any issue of fact, the attorney for plaintiff shall furnish the Court a copy of the form of the issue of trial.

2nd. That no attorney shall appear in any case unless his appearance is entered upon the common roll book. Attorneys ought to keep copies in their own office, as no files hereafter shall go out of the clerk's office, and if attorneys want a copy they will have to go to the office and copy them.

The court then discharged the petit jurors, also the witnesses who had been summoned in the cases wherein the people were interested, until the third Monday in February, at 1 o'clock p. m. They can report themselves to the clerk in the office as to their time and mileage.

At the afternoon session M. V. Ashbrook made a motion that the resolutions in memory of James M. Carter, deceased, be spread upon the records of this district, the same as they were on the records of the third district. Motion granted.

One alien was admitted a citizen of the United States.

Beaver Enterprise, Jan. 3—

The Enterprise records the first marriage in the Star Mining District. The event took place at North Star; names of the happy pair—Mr. H. W. Morse and Miss Sarah Billingsly. The ceremony was performed by Rev. C. Smith.

Correspondence.

The Railroad—Provo—Judge Emerson's Court—Springville—Spanish Fork—Various Improvements.

SPANISH FORK,

Utah Co., Jan. 8, 1874.

Editor Deseret News:

The circumstances under which your correspondent traveled from Salt Lake City to Provo this morning were materially different from

those under which he did the same thing seven years ago. There was no railroad then, but how different now—in Salt Lake City at seven o'clock and in Provo at half-past ten.

On the cars I learned that the Flagstaff mine, Little Cottonwood, was making arrangements to ship twenty-five tons of ore a day down the canyon, by the Wasatch and Jordan Valley railroad.

There was but little time to devote to looking around Provo, as a start southward had to be made from that point within half an hour after arrival. A glance was sufficient to show, however, that the progress of that city during the past seven years was not a whit behind that made by any other city in the Territory, according to the population at the beginning of the time aforementioned. Besides the enlargement of the borders of the city, numerous large and handsome buildings have taken the place of smaller and less imposing ones. Probably the most creditable of them all, however, is the large woollen factory, of which the people of Utah county, and especially of Provo, have every reason to be proud.

Judge Emerson was holding court in the new Court House Building this morning. He is only engaged in hearing civil cases, which can be disposed of without a traverse jury, the latter having been dismissed for the present. The grand jury is still in session.

You have already learned, by telegraph, that the Judge declines to have criminal cases tried in his district, his reason for this decision being that there is no district attorney for his district, and he claims that the law provides that such an officer shall officiate, and that the Territorial Attorney General cannot act outside of the district in which his office is located.

As in other places, business is somewhat dull in Provo. Even a reverend lying gentleman is "lying on his oars," which is somewhat of a change from his doing so on the "Mormon" community. It will be remembered that he is the reverend who, in a public gathering somewhere in the Eastern States, asserted that he was in continual danger of his life from blood-thirsty "Mormons" when he preached Methodism hereabout, and that when he ascended the pulpit he did so with the Bible in his hand and a pistol in his pocket. According to this, his own statement, he must be (an) a pistol preacher indeed. I have not been able to ascertain whether it be really true that after he gets through spinning such yarns he purposes to strike out the first two letters of his name.

In passing through Springville several public and other improvements were noticeable. During a brief stop there a jocular incident occurred. A gentleman made a purchase at a store, and the storekeeper, in giving back change, included in it, by way of joke, of course, a bogus five dollar bill. If that storekeeper had ever heard the purchaser lecture on "Finance" he wouldn't have tried that joke. Anyhow, it didn't take. The bill was instantly thrown back and a sickly, kind of Colfaxian smile flitted across the face of the store man.

I had the pleasure of meeting with Brother Lyman Woods, of Springville, the well known Indian interpreter. It will be remembered that he took a prominent part in the council with the Indians in conjunction with General Morrow, General Thurber and others, a little over a year ago.

The telegraph office at Springville is temporarily closed.

At this place, Spanish Fork, I have been informed that there is sufficient wheat, were it retained, to bread the inhabitants for four years. A new tithing office has just been erected, which is a good sized as well as respectable appearing building. There is a fine public square here, twenty-four rods square. It has just been enclosed with a neat new picket fence. The finishing touches are being put upon the entrance gates. The necessary rock for a two story city hall is now on the square. It is proposed to commence the erection of the building as soon as the weather opens. The co-operative store is doing a steady business and things are generally prosperous here. J. N.

MORTGAGE DEEDS of an approved form for sale at the News Office