TRUTH AND LIBERTY.

VOL. XVII.

SALT LAKE CITY, UTAH TERRITORY, THURSDAY EVENING, MARCH 27, 1884.

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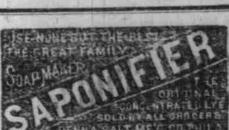
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I tak, for Ten Dellars.

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NEW YORK TRADE. THE UNIVERSITY OF DESERBT.

MURRAY'S INACCURACIES. A COMPLETE REPUTATION.

ents of University of Descret.

GENTLEMEN:—Your committee to whom was referred the consideration and regulation of some statements and insinuations made by the Governor of Utab, Eli H. Murray, in relation to the University of Descret, contained in certain communications of his to the Legislative Assembly of Utah, as hereinafter quoted, begleave to make the subjoined report.

The following communications from Governor Murray, in which reference is made to the University of Descret, appear in the proceedings of the Legislative Assembly of Utah.

Territory of Utah,

Executive Office,

In obedience to the requirements of the law of Congress, organizing the Territory of Utah, and in unison with the decision of the Supreme Court of the Territory, and with the ruling of the Utah Commission, and looking to the Promotion of education under a law of the Territory, "establishing the University of the State of Deseret," which provides for a Chancellor and Twelve Regents, in whom "the powers of the University shall be vested," I have the honor to nominate, and do hereby nominate to the Council for the offices therein provided, and for the term prescribed by law, the following persons: To be chancellor, James Sharp; to be regents, John R. Park, John Morgan, B. F. Cummings, Jr., James T. Hammond, William W. Cluff, J. R. Walker, James T. Little, John T. Caine, Parley L. Williams, James Dunn, Le Grande Young and J. E. Dooley; for treasurer, Lewis S. Hills, I respectfully request the concurrence of your honorable body "and by and with your consent," I shall be pleased to appoint them.

I am, very respectfully,

ELI H. MURRAY,

TERRITORY OF UTAH, EXECUTIVE OFFICE. Salt Lake, March 13, 1884.

Hon. James Sharp, Speaker of the

Sin:-I return herewith H. F. No. 85, IRON AND BRASS, WOOD AND MACHINE SCREWS 43, 45, 4 47 Chambers St., and 21 and 23 and 25 Reade St.,

shall be pleased to approve this ap-propriation. The improvement of our common schools is of primary impor-tance. The amounts appropriated in this section, if the Legislature is not pleased to appropriate to the University, I respectfully suggest should be divided pro rata to the school districts for common school purposes, under a like provision that no sectarian teaching should be tangent therein

The appropriation proposed in item 64 I disapprove. The objects for which this is made may not apply to past years. Such provision for the future in my opinion will be just and proper. I approve of all the other items in the bill, but I disapprove item ten, making the appropriation to the Desert University.

I am, Very Respectfully, ELI H. MURRAY, Governor. TERRITORY OF UTAH, EXECUTIVE OFFICE,

Sir.—I return herewith H. F. No. 85, entitled "An Act making appropriation for general purposes."

While an attempt has apparently been made to meet the suggestions contained in the latter portion of my former message returning the bill as to item 10 the former portion which can alone give life and effect to the endeavor to release the University from sectarian control has been entirely ig-

propriations under the law, for the or-dinary expenses of the government, there apparently remains but two ways by which we may be enabled to secure the necessary and unobjectionable items of the bill. The one is to organ-ize the University in accordance with the requirements of Sec. 1857 of the Revised Statutes and make it possible to be non-sectacian in fact. The other is to strike the objectionable item from the bill.

Congress organising the Territory of Utah, and in unison with the decision of the Supreme Court of 1116 Territory and with the ruling of the Utah Com-

Your committee have made diligent search and can find no undisputed authority in the Organic Act of the Territory requiring the Governor to nominate these officers of the University; nor could they find any decision of the Supreme Court of the Territory, nor even any decision or ruling of the Utah Commission that will support this assumption on his part.

the law of Congress, the Governor certain actions of the country the first of the several actions of the country the first of the country of

Clinton vs, Engelbrecht and Snow vs. United States. The decision, therefore, never had authority; it was void from the beginning, having been pre-annulled by the higher court, yet, this is the authority Governor Murray cites to fortify, himself in persecuting the University. CITY COUNCIL. Mayor Sharp presiding:

quoted, the Governor states that the organization, meaning the University, is illegal in that the Chancellor and Regents are not named in accordance with section seven of the Organic Act. Assuming that the Chancellor and Regents are not officers de jure which we do not [concede, would that affect the legality of the Institution? A deject in a portion of the law, or in its execution, does not necessarily invalidate the whole law. So, in either event, whether the officers of the University be ejected by the Legislature event, whether the officers of the University be elected by the Legislature or nominated by the Governor, the organization is still a legal one. But there are no proofs that the present officers of the University are not de jure officers. The evidence already cited, on the contrary, supports the conclusion that they are de jure officers. At all events they are the officers of the Institution de facto, and there are no others in existence to dispute their claim.

pute their claim.
The Governor says there are no debts of the University contracted by any warrant or authority of law, and by inference that no appropriation of money should be made by the Legislature for purposes not previously an-

Incorporated in the same bill containing the item of appropriation to the University, is another of \$12,610,12 the University, is another of \$12,610.12 for deficiency in jurors' and witnesses' fees in 1882-5. Is there any more authority lof law to justify the latter than the former? The same appropriation bill contains other items, and all appropriation bills contain the same or similar items, that are not prescribed by law, yet are just and proper, as they are made in the interest of the State. There is no question at all as to the authority and practice of the Legislature to appropriate money for services done the State, whether such services be rendered before or after the act of appropriation.

The facts as stated in the Chancellor's Report to the Legislature show most clearly that the debts of the University, here referred to, were contracted in the interest of the State, to save the forfelt and destruction of

tracted in the interest of the State, to save the forfelt and destruction of State property, and to enhance its value and utility. In 1880 the Legislature appropriated \$20,000 for purchasing grounds and erecting thereon a suitable building for University purpurposes. Most of this sum was immediately expended towards erecting a building on the finest public square of

to continue the work of constructing the new building. It was in this way that the so-called debt of the University was contracted. The Chancellor and Regents were the only guardians of this property, and they would have been recreant to their duty to the State had they not sought to devise some plan to avert the waste, destruction, plan to avert the waste, destruction, and forfeiture of such property and a lasting injusy to the educational interests of the Territory, all of which were then imminent. Most certainly, if the Legislature has not warrant or authority to appropriate from the public treasury for such and similar purposes in the interest of the commonwealth, then multipled prevedents are no warrant or author-

It is evident, therefore, that if the Legislature has the right to appropriate for past benefactions to the State, then there is authority implied if not explicit, to justify the payment of the debt of the University now in question. Moreover, by the charter of the institution, it is enjoined upon the Chancellor and Regents that they "do 'all things that fathers and guardians of the institution ought to do," which is explicit legal authority if the contracting of this debt is viewed as a necessity or a duty on the viewed as a necessity or a duty on the part of the Chancellor and Board.

Again, in the second and third communications here quoted, the Governor intimates that doctrinal sectarian tenets are taught in the University. That such tenets are not taught in the University, the Governor had ample evidence both official and incidental, when he sent these communications to the Legislature. He had in his possession the report of the Chancellor to the Legislature, in which it was clearly stated that sectarian tenets were not taught in the institution, and the taught in the institution, and

most emphatic proofs given that this covert charge on the part of the Governor was false.

Proceedings of the City Conneil, Tuesday evening, March 25th, 1884,

Mayor Sharp presiding:

A petition signed by James D. Van
Tassel and eight others, representing
the people of the First, Second and
Tenth Wards entitled to the waters
flowing from Emigration Canon, was
presented. It set forth that the right
which residents there possessed to said
waters was a primary one having been
acquired by labor in making ditches,
constructing dams, etc., or by purchase
from the original settlers; that part of
said water was diverted in 1883 to other
channels and time schedules issued by
the City Watermaster to others than
those holding said primary right, withso out any consultation with the owners
aforesaid. Complaints having been
made that persons having said right
and residing above the Jordan and
Salt Lake City Canni did not receive
that amount of matter to which they
are legally entitled, therefore the petitions protested against such unlawful
diversion of water unless some steps
be taken by the Council by which the
rights aforesaid may be recognized
and, if circumstances so require, that
said water be restored to its legitimate
channels. The petitioners also protest against the claim set up by S. W.

Richards and others at a former meet-

Richards and others at a former meeting of the Council, and denied that they had any right to said waters other than a secondary claim to the surplus water flowing from sain canon. Reference to the City Attorney.

The Recorder was instructed to have printed 250 copies of the names of officers and standing committees and rules of the Council.

having been made by citizens of late for more light out of precinct gas limits, they desired it understood that their present plant had a capacity for rum-ning sixty more lights, and they could place any number of lights upon the streets at any time, so soon as poles and wires could be procured, on con-ditions similar to those now in use on North Temple Street. North Temple Street. Referred to the committee on im-George Tall and three others re-presented that the D. & R. G. Rallway bridge over the outlet to City Creek at

Causey and Fuge petitioned for a re-bate on their liquor license in compensaloon, the Dew Drop, East Temple Street, was closed for repairs. Not Albert Hanson asked permission to

public grounds.
A petition from Chas. Kroff was presented complaining that the city au-thorities in having the Jordan and Salt Lake City canal dug immediately east of his lot (a portion of lot 4, block 23, plat B) had piled the clay excavated therefrom upon his land and permitted it, to remain there, for over two years, rendering that portion of his land unfit for cultivation. He had recently

and his house. Referred to the watermaster.

A printed communication addressed to the Mayor from D. A. Brooks, Jr., President of the Town Council of Caseyville, Kentucky, was read. It set forth that their town for the third time was submerged by the overflow, the water standing some seven inches higher than was ever known before. That while at its highest a terrific windstorm swept over the town, almost annihilating it. That the people who were suffering for food and clothing, received government and State aid to relieve their humediate distress, but their houses were wrecked, streets were filled with drift, sidewalks, crossings and bridges destroyed. The people were unable to stand a tax and the treasury being without funds, they asked if the people of Salt Lake could, without injury to themeselves, contribute something to their assistance, it would be judiciously applied and remembered with grateful hearts, Referred to the committee on finance. master.

Alderman Spiers submitted the police court report for February, showing cases tried, 107; dismissed, 16. Cash fines for month, \$1,477; collections, \$19. Total cash paid treasurer, \$1,496. Labor fines. \$583. Total cash and labor, \$2,029. Appealed, \$105; uot paid, \$105. Referred to committee on police.

The City Poundkeeper's report for the quarter ending February 29th, 1884, \$howed: Animals impounded—cows 13, horses 6, mules 1. Amount realized

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CASADAY SULKY PLOWS Lightest Draft, Strongest and best working Sulky Flow made. Can be used as an old ground plow or guaranteed to work well in the heaviest sage brush. TIGER SELF DUMP HAY RAKE,

The only Perfect Self Dump Hay Rake made. Triumph Improved Grain Drills and Broad-Cast Seeders. Perfect Force Feed. Can be adjusted to sow Wheat, Oats, Plax, Lucern, Etc.

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Absolutely Pure. This powder never varies. A marvel of unity, strength and wholesomeness. More conomical than the ordinary kinds, and annot be sold in competition with the multindes of low test, short weight, alum or heavylate nowiless. Sold only is cans. ROYAL BAKING POW-DER CO., Die Wall Street, New York.

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Ayer's Sarsaparilla. Taying been afflicted all my life with Scrofolis, my system seemed saturated with it. It came out in "I tches, Ulcers, and Mattery came out in "I tehes, theers, and Mattery Sares, all over my body." Mr. Carter clates that he was entirely cured by the use of AYER'S CARSAPARILLA, and since discontinuing to use eight months ago, he has last no return of the scrofulous symptoms.

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ITS OFFICERS REPLY TO GOVERNOR

To the Chancellor and Board of Reg nts of University of Deseret.

EXECUTIVE OFFICE,

Salt Lake City, Feb. 25, 1884 Ion. W. W. Chuff, President of Council:

th your consappoint them.
I am, very respectfully,
ELI H. MURRAY,
Governor.

entitled "An Act making appropria-tions for general purposes," to be amended if it meets with your approval Item 8 should be corrected so as to jurors." Item 9, same correction.

Item 10, I object to this appropriation because the organization is illegal, in that the Regents and Chancellor are not named in accordance with Section 1857, of the revised Statutes of the United States, and because over \$28,000 of said appropriation is set aside to pay debts of the University. There are no debts of the University conare no debts of the University contracted by any warrant or authority of law. All appropriations of public money received by taxes upon all classes of citizens for educational purposes, should be made with an unqualified provision "that no doctrinal sectarian tenets should be taught or any particular belief required of any pupil in attendance or applying for admission." With such amendments, I shall be pleased to approve this ap-

ing should be taught therein.

SALT LAKE CITY, March 13, 1884.

nored.

The University, with the added strength of this large appropriation, would be continued for the future as in the past, subject to the same objections presented in my former message. In order to assure the necessary appropriations under the law, for the ordinary expenses of the government.

bill.
I am, very respectfully,
E14 H. MURRAY,
Governor. In the communication first quoted, nominating the Chancelor and Regents of the University, the Governor says in so doing, that he is acting "In obedi-

the authority Governor Murray cites to fortify, himself in persecuting the University.

Next, the Governor claims that in his nomination of the officers of the University, he acts in unison with the ruling of the Utah Commission. The Commission have not ruled in reference to the University officers, and had they done so, their ruling would have been without authority. The inrisdiction of the Commission is defined by the Edmunds Act, and this law gives them no Judicial power to decide in cases of this kind.

So we believe none of these grounds taken by the Governor in defense of his action against the University are tenable; that with the Organic Act, nor the Supreme Court of the Territory, and the Commission have legally justified him him in the course he has taken.

But it is maintained on good legal authority that the University officers the Government; that they are merely didicial, or executive departments of the Government; that they are merely diversers of an institution created by law, just as in the case of those of the Insane Asylum. As the Governor claims, or seems to claim no right to nominate the officers of the latter institution, he cannot consistently claim the right to nominate those of the University.

In his second communication here quoted, the Governor states that the organization, meaning the University,

But, is such a warrant or authority as he would have, in fact an essential justification in all appropriations made by the Legislature?

ts Council.
The Chancellor and Regents, fully The Chancellor and Regents, fully confident that an appropriation sufficient to complete the building would be made at the session of the Legislature in 1882, left the building in an unfinished and exposed condition. They were disappointed, however, in their hopes of assistance by reason of the Executive veto. The unfinished building was therefore left exposed to waste grounds.

redents are no warrant or author-

flowing from sain cañon. Referred to the committee on irrigation:

The Power, Light and Heat Co., of Salt Lake City, by G.S. Erb, president, represented that considerable clamor having been made by citizens of late for

the junction of North Temple and Sixth West Streets was located too far south to insure safety from high water to the residents of the block adjoining on the west, and asked that said com-pany be required to extend the bridge farther north that the water might flow direct from the mouth of the channel west of said bridge. Referred to the Mayor with the watermaster associated.

establish a stand on the corner of East Temple and Second South Streets for the sale of candy, from the 1st to the 10th day of April, 1884. Referred to the Marshal. George Showell, scavenger, represented that he finds no place suited to the dumping, and storing of nightsoil and general refuse and having learned and general refuse and having learned that the land often used, is not owned by the city, asked that a suitable place be designated for the purpose, as the vast accumulation of refuse demands an outlet, and unless some be provided the scavenger business would have to be abandoned. He asked immediate action. Referred to the committee on public grounds.

suitable building for University purpurposes. Most of this sum was impediately expended towards erecting a building 32 the finest public square of Salt Lake City, in gunnificent gift of its Council.

By the first purpurposes and asked compensation for his labor and for damage to the lot. He also called attention to the bad condition of crossings at Ninth East and Fifth South streets, and asked improvement. Referred to the com-

Executive veto. The unfinished building was therefore left exposed to waste and destruction, and by the terms of the deed of conveyance, the square and entire property would have been subject to forfeit and liable to revert to the original conveyor.

It was then, and under these circumstances, that the Chancellor and Regents with other friends of education, came to the relief of the Institution and subscribed liberally and in good faith, to continue the work of constructing the impending floods by placing brush per official to protect his property from the impending floods by placing brush or other material between the creek and his house. Referred to the water-

finance.
Oscar H. Hardy, executor of the estate of R. B. Margetts, was granied a brewer's license for three months.
The City Auditor submitted his report for the quarter ending Feb. 29th, 1884, showing a total of receipts during that period of \$48,978,25; disbursements, \$52,303,16. Referred to committee on finance,
Alderman Spiers submitted the police court report for February, showing

permission be granted to Jeremiah Gibson, during the pleasure of the Council, and subject to the Street Supervisor's direction, to open a sand hole on the side of a ravine about a quarter of a mile north of the old Arsenal site, and west of the sand hole now worked by Elias Morris; and to Alex. Watson to open a sand hole, either west of that to be opened by Gibson or east and north of that now worked by Elias Morris, with the understanding that half an acre of ground, or less, as may be deemed necessary by the Supervisor, be granted each applicant to pay therefor the sum of \$10 per annum. Adopted.

The committee on streets and alleys reported that the bridge asked by Isaac Hunter, Jr. and others, on North Teinple Street, was of a private nature and recommended that the petition be not granted. Adopted.

of the Council.

Adjourned to Wednesday, April 2nd,
1884, at the usual hour.

The Frotting Wonders of California San Francisco, Cal. — The Breeder and Sportsman. of this city, the tant and sporting authority of the Pacific coast, contains a statement from J. W. Murphy, Esq., proprietor of the clegant St. George Stables on Bush near Kearney street, as also from Chief Engineer, Mathew Brady of the City Fire Department, to the effect that for the cure of pain in man of heast, particularly for rheumatism, St. Jacobs Cit has worked wonders. They regard it far superfor to anything they know of.



Rheumatism, Neuralgia; Sciatica, Lumbago, Sackache, Headache, Touthniche, Gure Thrond, Swedlings, Sprains, Urbles, Barne, Scalide, Pourt Bites, AND ALL OTHER BUSHLY FAISS AND FIRST, Solids by Drugoles and Dasher swey after. 1415 Contest bottle. Directors in It Languages. THE CHARLES A. VOGELER CO.

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las, Ecrema, Blotches, Ringworm, Tu-mors, Carbuncies, Boits, and Ecuptions impure state of the blood.

