

part of the House, and asking that a committee of one be appointed from the Council, on the communication of His Excellency the Governor, regarding the unauthorized expenditures by the Territorial Legislature, also the circular of the Secretary of the Interior on this subject, all of which were read.

Mr. Sharp moved that the Council concur in the House resolution. Mr. Sharp was appointed on the part of the Council.

In the further reading of the highway bill, Mr. Hammond moved to amend Sec. 16, with reference to the planting of trees and the regular intervals at which they shall be planted.

Considerable discussion was had on the obstruction of highways, by fences and other structures. After some minor amendments the bill passed its third reading and was adopted, and the House was so notified.

C. F. No. 15, a bill to define the manner of determining disputed county boundary lines, was next in order. Pending its third reading, a substitute bill was read the third time, and after some slight amendments, was adopted instead of the original, on motion of Mr. Sharp.

Judge Eldredge, of Coalville, acknowledged the courtesy of the freedom of the Council chamber during the session.

Adjourned at 4:30 p.m.

#### HOUSE.

On Monday, Feb. 1, the House was called to order in the usual way, the Speaker in the chair.

Roll call, prayer, minutes read and approved and the routine of business commenced.

The Speaker made a few pertinent remarks in relation to the absence of members from the House, observing that when a member expects to be absent, he should ask to be excused.

Messrs. Lund and McLaughlin were excused from attendance to-day.

Mr. West, from the committee on enrollment, reported C. F. No. 19, as having been sent to the Governor for his approval.

Mr. Stratford, of the committee on ways and means, reported back the communication of the Governor, and recommended that a committee of the House be appointed to act with a like committee from the Council to further consider the matter. The report was received and placed on file.

The communication related to the document of Secretary Lamar in relation to certain acts of the Arizona Legislature, and intended for the guidance of all the Territories of the United States. Subsequently Mr. King presented a resolution which was adopted, that a joint committee be appointed to consider the subject. Messrs. Hatch and King were appointed a committee from the House.

Mr. Hatch, from the committee on judiciary, offered a substitute for House bills 12 and 17, in relation to punishment for sexual crimes, which was read the first time and filed for second reading. It must be understood that this bill is a substitute for two bills on the same subject, presented, one by Mr. King, and the other by Mr. McLaughlin.

Mr. Cannon, from the committee on education, by consent of the House, made a verbal report on the subject of the report of the Territorial Superintendent of District Schools.

After some debating on the matter, on motion of Mr. Howell, the report was referred back to the same committee.

Mr. West introduced a bill amending an act regulating the mode of procedure in criminal cases, passed in 1878. It provides, among other things, that a juror shall be a tax payer, as assessed in the last assessment roll of the county where he resides, on property belonging to him; or that he shall have paid poll tax during the year last past. And further that he should not have served on either the grand or petit jury during the past two years.

The same member also introduced a bill amending an act revising the proceedings in justices' courts, and providing for appeals to the district courts in criminal cases, and still another bill amending an act revising the code of civil procedure of Utah Territory. The bills were each read the first time, and referred to the committee on judiciary.

A letter was read from the Territorial Auditor in relation to the disposition to be made of a safe belonging to the Territory, and now at Ogden; referred to the committee on ways and means.

Mr. Rider presented a bill to encourage the sinking of artesian wells in several southern counties of this Territory; read the first time and referred to the committee on agriculture and irrigation.

The Council bill in relation to a board of equalization was received, read by its title and referred to the committee on ways and means.

A bill for the encouragement of the growth of timber was read the second time, amended, in several particulars, and after a lengthy and lively debate, was recommitted to the appropriate committee.

Much surprise and wonder were excited by the reading of the following communication from the Governor, which was ordered to be spread on the minutes and transmitted to the Council for its information:

TERRITORY OF UTAH,  
EXECUTIVE OFFICE,  
SALT LAKE CITY,  
February 1, 1896.

Hon. W. W. Rider, Speaker of the House:  
SIR.—The laws of Utah should be grouped

into one or perhaps two volumes. The fact that much contained in the Compiled Laws of 1878 has been repealed, and the scarcity of certain other volumes suggest the propriety of some action in this matter. This resolution provides for a board of five persons to make a compilation merely, and appropriate \$10,000 for that purpose.

The conditions of the laws of Utah in my opinion demand a revision rather than another compilation.

That being true, the money expended in a compilation and two years in time are wasted. The appointment of one or perhaps three competent persons to make a thorough revision would be wise.

There are other reasons of objection to the resolution. The compilation of 1878 was made by a committee of three persons, and an appropriation of \$5,000 for that purpose was made.

The resolution before me creates a board of five persons and appropriates \$10,000.

The foregoing are reasons which, under ordinary circumstances only would remain to be discussed and be determined by the law-making power. But there are other and far more potential reasons why this resolution or any other of like character, should not become law, viz.: First, the handling of so large a sum of money should be done by legal officers, under valid bonds. This is not possible until the appointment and confirmation of an Auditor and Treasurer in conformity with the law of Congress. The present *de facto* Auditor and Treasurer are holding over long after the expiration of the terms prescribed by an illegal statute and by an election void in itself, and the bonds under which they serve, if ever they were legal, are so no longer. Second, a number of statutes enacted by Legislatures of the past stand among the laws of Utah to-day which are in direct conflict with the laws of Congress, which are supreme. These laws when analyzed in their very bones and in the lineaments of their every feature are shown to be acts of nullification of the laws of the land, which you and I have sworn to maintain.

Under these laws the executive authority of the Territory, and the authority of the government of the United States have for years been persistently ignored, and set at defiance. This resolution proposes to republish these laws, in a compilation which will further mislead the people of this Territory, and I am asked to approve them, and sign a draft for \$10,000 of public funds drawn from the pockets of all classes of people to further perpetuate this travesty on government in the Territory, and this grievous wrong upon the laws of Congress.

Holding the laws of my country to be supreme, and the sovereignty of the United States to be above and beyond any other authority, requirements, or demands, these must be my guide, and I therefore return the resolution without my approval.

I am, very respectfully,

ELI H. MURRAY,  
Governor.

The Council notified the House that it had passed the House bill on highways.

A joint letter from Messrs. Gibbs and Irvine was sent to the Speaker's desk by Mr. Hatch, and was read by the clerk. The writers ask for compensation for stenographic reporting done by them in joint session of the two Houses during the visit of the members of the Wyoming Legislature to Salt Lake City in 1884. Referred to the committee on contingent expenses.

Several other matters were disposed of and at 4:45 p.m. the House adjourned till Tuesday at 2 p.m.

#### COUNCIL—FEB. 2.

At 2 p.m. the Council met pursuant to adjournment, and after roll, prayer by the Chaplain, and reading and adoption of the journal of Monday.

Mr. Barton presented a petition from Samuel Cazier, asking that the sum of \$336.29 be appropriated for expenses incurred in the capture of the Moss boys in April, 1885; referred to the committee on claims and public accounts.

Mr. Francis, of the committee on claims and public accounts, reported back the House message in relation to the appointment of a committee of two from the House and one from the Council to examine and audit the accounts of the Territorial Auditor and Treasurer, and to employ a competent accountant to aid them in making a thorough examination of the books, and accounts of these officers; resolution adopted, and Mr. Francis was appointed on the part of the Council.

Mr. Grover, from the committee on judiciary, reported back C. F. No. 6, amending sec. 5, chap. xxv. session laws of 1884, and recommended the adoption of a substitute.

Mr. Sharp moved to concur in the House amendments; carried.

The bill was read and referred to the committee on enrollment.

Mr. Grover, from the committee on municipal corporations and towns, reported back the petition of the people of Moroni City, praying for the cutting down of the boundaries of said city, with a bill defining the boundaries of same, was read the first time, also the second time by its title, and placed on file for third reading.

A communication from the House was read accompanied by a message from the Governor returning the resolution in relation to the appointment of a committee on compilation of the laws, with his reasons for not signing it.

Mr. Sharp, from the select joint committee appointed to consider the Governor's message in regard to the contingent expenses of the Assembly, recommended that the committee be increased from three to five; adopted.

Mr. Sharp presented a bill to provide revenue for the Territory of Utah and the several counties thereof; read the first time by its title and referred to the committee on ways and means.

The special order of the day, C. F. No. 14, A bill apportioning the Legislative representation of the Territory of Utah, was then taken up.

On reaching districts 13 and 14 it was found that the precincts therein were

not all named; it was therefore moved to return the bill to the committee on counties, so that all the precincts may be placed in proper district; so ordered.

A communication from the House was received announcing its concurrence in the Council resolution in relation to the auditing of the accounts of the Territorial Auditor and Treasurer; also in the one increasing the committee on the contingent expenses of the Assembly.

Adjourned.

#### HOUSE—FEB. 2.

At the usual hour of 2 p.m. the Speaker was in his desk and called the House to order, and after the usual preliminaries the order of business was proceeded with.

A petition was presented by Mr. Baty, from the County Court of Box Elder County, asking the Legislature to enact a law that will authorize the assessors and collectors of the various counties of this Territory to assess and collect taxes on live stock which cross the lines from other Territories into Utah and remain here 30 days. Such things, the petitioners stated, are done in Idaho and other places. The petition was read by the chief clerk and referred to the committee on ways and means.

Mr. Smoot, from the committee on Insane Asylum, reported back the biennial report of the board of directors, and the annual report of the superintendent, secretary and treasurer of the Insane Asylum, and recommended that the same be adopted; complied with.

Mr. Thurman presented the report of the committee on public accounts, in reference to the claim of A. A. Anderson, of Tooele County, jury services rendered by him in 1874. The report was adverse to the petitioner's claims; adopted and filed for the information and action of the Council thereon.

The same gentleman also reported the action of the same committee in relation to the petitions of A. J. Johnson, Assessor and Collector of Tooele County, for the sum of \$35.49%, to reimburse him for this amount which he paid into the Territorial Treasury as uncollected taxes. A similar recommendation was made in relation to the claim of William Ashton, Collector of Utah County, for \$30.87%; adopted and referred to the committee on appropriations.

Mr. King presented a bill in relation to liens on personal property.

It provides among other things that if any person shall make, alter, repair, or bestow labor on any article of personal property, at the request of the lawful owner or possessor thereof shall have a lien, to ensure him compensation for such labor, etc., and that he shall retain possession until he is paid; referred to the committee on judiciary.

Substitute bill for Council File No. 15, determining on the boundaries of county lines; referred to the committee on counties.

Council File No. 8, a bill pertaining to highways was read by its title; referred to the committee on highways.

Mr. Thurman presented a bill in relation to mortgages, etc., which was referred to the committee on private corporations.

The Council notified the House that it had adopted a joint resolution appointing a committee to audit the accounts of the Territorial Auditor and Treasurer. The House concurred, and the Chair appointed Messrs. Rider and Clark the committee for the House.

Another message from the Council informed the House that it had increased to five the number of the committee on contingent expenses; the House concurred, and Mr. Thurman was added to the committee for the House for that purpose.

Council bill 19, amending sec. 18, chap. 45 of the session laws of 1884, relating to private corporations, was next taken up. The original section reads: (on page 84) "Non-use for two years of the franchise here given, or Non-compliance with any of the provisions of this act shall be a forfeiture of the privileges which shall herein be granted."

The amendment as made by the Council reads:

Sec. 18. "Non-use for two years of the franchise herein given shall be a forfeiture of the privileges herein granted."

An amendment offered to the Council amendment, by Mr. King, reads:

"Or non-compliance with the substantial provisions of this act shall be forfeiture," etc.

An interesting debate ensued on the subject and was participated in by Messrs. King, Young, Creer, West and Thurman, the latter gentleman argued that the bill as it came amended from the Council was a dangerous thing to introduce into the community.

Mr. King made a lengthy and vigorous argument in favor of the amendment, but his motion was lost by a majority vote, and the bill as it came from the Council was passed by a vote of 13 to 8.

The Council concurred in the House amendments to C. F. No. 6, amending Section 5, Chapter 25, of the laws of Utah for 1884.

On a resolution by Mr. Smoot, the sergeant-at-arms was instructed to deliver to the Territorial Auditor 600 copies of the report of the Insane Asylum for distribution.

Substitute bill for H. F. 17 and 12, in relation to punishment for sexual crimes, was made the special order for Wednesday.

The House then adjourned until tomorrow, at 2 p.m.

#### SALT LAKE CITY—PAST, PRESENT AND FUTURE.

This is really a beautiful city—beautiful in its location and surroundings, and equally beautiful in its original design and subsequent substantial improvements. As we move along its spacious streets and sidewalks and view the numerous stately public buildings and business blocks, and the thousands of neat and comfortable residences, most of which are surrounded by ample grounds for lawns, flower gardens and small orchards, we cannot avoid contrasting the bleak and barren past with the cheerful, inviting and prolific present. When the vanguard of the Mormon hordes first looked down upon Great Salt Lake Valley, in the summer of 1847, it must have appeared as a desolate waste—a veritable desert—in comparison with the picturesque scenery now presented to the appreciative beholder. Then, an inland lake of salt water, skirted by an extensive but apparently barren plain or valley, composed the body of the picture, which was relieved only by the background of majestic mountains surrounding the extensive, deep and comparatively barren depression. But the persecuted, weary and exhausted Mormon "pilgrims" were more than ready to halt, and as the valley and its surroundings seemed to be the most favorable and inviting spot they had discovered on the long, tedious and dangerous journey from the Missouri river to the Rocky Mountains, they naturally concluded that they had reached "The Land of Promise," and so they concluded to pitch their tents, form the nucleus of a great colony for the "Latter-day Saints," build a great city for the elect, and erect a magnificent temple to God, who had revealed Himself alike to Abraham, Moses, Isaiah, Jesus Christ and Joseph Smith.

In this instance, at least, Will Carleton hardly describes the situation when he says:

"It ain't the funniest thing a man can do Existing in a country when its new Nature—who moved in first—a good, long while—

Has things already somewhat her own style, And she don't want her woodland splendors shattered.

Her rustic furniture broke up and battered, Her paintings, which long years ago were done By that old, splendid artist-king, the Sun, Torn down and dragged to Civilization's gutter, Or sold to purchase settlers' bread and butter."

The "woodland splendors," "rustic furniture," and nature's exquisite "paintings," were woefully incomplete in the newly discovered Salt Lake Basin. It required the patient plodding of human intellect, the energy of human hearts, the unceasing industry of human hands, stimulated by a religious enthusiasm akin to a blind superstitious faith, in order to complete the Master's plan. The saying is exceedingly true, yet as forcibly true, that the "Latter-day Saints" or "Mormons," so called, literally "made the wilderness bloom and blossom as the rose." Under their indomitable energy and persevering toil the apparently barren waste became a fruitful field; the sterile soil was made to contribute to the wants of thousands, wealthy and prosperous cities, villages and hamlets arose as if by magic all over the hitherto desolate plains; and aided by annual accessions to the original number, soon a populous and prosperous commonwealth was established in the very heart of the Rocky Mountains, and embracing territory only heretofore looked upon as an unimportant and unproductive portion of "The Great American Desert."

It detracts nothing whatever from the deserved credit or merit of the early pioneers into Utah, to say that they were actuated by a blind religious zeal or irrational superstition that knew no rational bounds. It is enough to know that they, under the greatest imaginable privations and persecutions—whether deserved or not, is irrelevant to the subject—cheerfully accepted the situation, brought order out of chaos, isolated themselves for many long years from the social and commercial world, consecrated their own discovered "Land of Promise" to their exclusive use and benefit, and eventually demonstrated to the world that under the magic touch of intelligent human enterprise and industry even the wilderness may become a fruitful field and the barren wastes be converted into prosperous commercial cities. We are not, of course, prepared to say that the work would not in time have been performed by other hands; but inasmuch as it was not, we see no reason why we should not graciously accord honor to whom honor is due. With all their alleged failings, faults and crimes, this much must stand on the credit side of the Mormon ledger—physically they have made their little world at least 1,000 per cent. better than they found it. Not content with making two spears of grass to grow where but one was growing before, they have caused ten thousand fields of golden grain, productive orchards, vineyards, and beautiful flowers to spring up and beautify and enrich their homes and adorn the plains where hitherto the sagebrush, grease-wood and cactus had reigned supreme. However strong the prejudices that may exist against their professed religious beliefs, peculiar rites and apparently absurd ceremonies, no one can successfully gild or controvert the truth of history condensed into the foregoing remark.

#### MORMONISM THEOLOGICALLY VIEWED.

It is no part of our purpose to discuss Mormonism from a religious or theological standpoint. We may say, however, that while not taking the least stock or believing in its doctrines, we are inclined to think that it has had and will still have its uses and mission among men. We know of no reason on earth why Joseph Smith or Brigham Young should not have been the favored of Heaven and entitled to the revelations of the Divine mind, provided other human beings have been so favored. Indeed, it is one of the cherished sentiments of the Declaration of Independence, that "All men are created free and equal, and endowed by the creator with inalienable rights, among which are life, liberty and the pursuit of happiness." Perhaps this recognition of equal rights and privileges did not originally include the supernatural; and the religious prejudices and superstitions of the past may still be clinging to us so tenaciously as to require a special declaration of rights regarding divine revelation. Mormonism has taught, or is gradually teaching, the Christian world one grand, ennobling thought, and that is the absurdity of any "revelation" that does not commend itself to human experience and human reason as being for the best interests of men individually, socially and morally. As a general rule, men are better than their religious creeds; and the moral status of society, as a whole, is perhaps to-day superior—more elevated—than the sum total of "revelation." We are not saying, of course, how much we are indebted to "revelation" for this result; but somehow it appears as though the human intellect was destined to outgrow "revelation" itself; unless, indeed, the "divine" shall prove more expansive and progressive than the human mind. Thus it seems to be with the vexing question of polygamy, that for years has agitated and kept in constant turmoil society in this Territory. It is claimed that it was revealed to Brigham Young [A mistake: it was revealed to Joseph Smith] that polygamy is right, and there appears to be no express command against it either in the Old or New Testament Scriptures. But taking experience, observation and reason as guides, civilized and refined society has decided it to be wrong—a thing that ought not to be tolerated in any community. Thus the Congress of the United States—the law-making power of the nation—appears to have had a clearer and more emphatic "revelation" on the subject than all the religious revelators of the world. It is therefore a fruitless controversy to argue on the one hand that the Bible forbids and denounces polygamy, and on the other to attempt to demonstrate that it is right and proper because Brigham Young had a "divine revelation" to the effect that it is right. The matter is simply either right or wrong, independent of either. In free and enlightened America, "The voice of the people is the voice of God," and that voice, in apparently unmistakable language, has declared that polygamy shall not be tolerated within its limits.

In the attempted enforcement of this edict by the properly constituted authorities there is necessarily engendered much hard feeling. The advocates of the doctrine of Brigham Young—thousands of whom are doubtless sincere and conscientious—feel that their individual, civil, as well as religious, rights and privileges are ruthlessly invaded, and they are ready and willing to make any sacrifice or resort to almost any means in order to defeat the (to them) obnoxious law. On the other hand the "Gentiles," who are greatly in the minority in Utah, are fully determined that the law shall be enforced at all hazards. The battle ground so far has been virtually confined to Salt Lake City, as this is the head and center of the Mormon theocracy. If polygamy goes down here it will become decidedly unpopular in all other portions of the Territory. Already a number of convictions, under the so-called Edmunds law, have taken place, and the end is not yet.

Polygamy has thus been allowed an uninterrupted growth of a generation, and a large number of persons—perhaps 25,000 to 30,000—during that period have entered into polygamous alliances. The question now is, what is to become of the second, third and fourth wives and progeny of such marriages? Are the poor, deluded, unfortunate women to be turned adrift as common harlots, and the thousands of children resulting from such marriages to be branded as illegitimate? These are practical and serious questions, especially under the present circumstances. In our humble opinion, both parties, who appear to be arrayed against each other in almost deadly conflict, should call a halt. Moderate counsels and action, especially on the part of the non-Mormon element, should prevail. The Mormons should be treated at least in a spirit of fairness, if not charity, and all the peculiar circumstances of their present condition taken into calm consideration. The present intense agitation is seriously interfering with the business, growth and general prosperity, not only of Salt Lake City, but of the Territory at large. The future can be properly shaped for the correction of existing evils, but it is a question whether past mistakes or offenses can be remedied by arbitrary enactments or oppressive laws. We have to deal with things as we find them, not as we would wish to have them. — *Avant Courier, Bozeman, Montana.*