THE EVENING NEWS.

PUBLISHED DAILY, SUNDAYS EXCEPTED
AT FOUR O'CLOCK.

Tuesday, - - Jan. 13, 1874.

DAVID O. CALDER,
EDITOR AND PUBLISHER.

NEWS OF THE DAY.

THE Episcopal Methodists want compensation from the Government for the use of their property at Nashville, in 1864 and 1865.

The State of Texas has now two State Legislatures, and Governor Davis, fearing troubles in consequence, telegraphed President Grant for U. S. troops to quell any disturbance that might arise; but the President has refused to comply with the request.

Railroad monopoly now seems to be in danger, as various bills have been introduced in Congress with a design to restrict and regulate freights. If one or more effective measure of this kind be passed it will be a benefit to the people of the entire country, for railroad monopolies have become a great evil, and it is useless to hope for relief without the exercise of the power of Congress. With that, relief may come, but it need not be expected without a hard fight, for all the power of money and lobbying will undoubtedly be called into requisition by the railroad corporations of the country to defeat, if possible, any measure designed to restrict the power they abuse so shamefully. See abstracts of bills in telegraphic columns.

An interesting synopsis of Representative Hurlbut's bill, for inaugurating a double track freight railroad from New York to Council Bluffs or vicinity is contained in our telegraphic dispatches to-day.

During the proceedings in Congress yesterday a petition was presented in the Senate on behalf of woman suffrage, praying that the women of the United States might be allowed the same rights as the colored men. The Senate passed a bill, introduced by Coukling, repealing the act of March 1873, increasing the salaries of Members of Congress, and officers of the government, and making the salaries of all, except the President and the judges of the Supreme Court of the United States, the same as they were before the passage of that act.

In the House a resolution was adopted that taxes should not be increased, and declaring that, in the opinion of the House, there was no necessity either to increase them or the public debt if economy were observed in the public expenditures. Among the other bills introduced and referred were, one to regulate the duty on silk; and another, one of the provisions of which makes it legal to pay customs with legal tender notes.

There is every prospect of the strike of the coal miners becoming general in Pennsylvania, and the impression is that the struggle will be a protracted one. The miners are said to be better prepared for a strike than ever before.

The new governor of Ohio was inaugurated yesterday; the leading feature of his inaugural was an exhortation to the legislature to reduce the taxes and expenditures.

Advices from Cape Coast Castle state that the King of Dahomey has sent large reinforcements to the Ashantees.

In the French Assembly, after a long and violent debate, a vote of confidence in the government was passed, and the ministry withdrew their resignations.

Returns of the elections in Prussia show large gains by the national liberal party, especially in Bavaria, Wurtemburg and Baden.

Manuel Pastor, who attempted to shoot the King of Italy sometime last year, has escaped from prison.

A fire, having done half a million dollars damage, and still raging, is reported at Natick, Mass., this morning.

Cartagena, the stronghold of the Intransigentes in Spain, and one of the strongest places in the country, has surrendered to the government troops.

A destructive fire in New York this morning, several persons burned death.

Excitement and violence at the gathering of the unemployed in New York this morning.

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
SALT LAKE CITY,
UTAH TERRITORY,
January 13, 1874.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I congratulate you upon your speedy organization, and accept it as an earnest that we shall have a harmonious and useful session. By the Act of Congress organizing this Territory, the law-making power is vested in the Governor and Legislative Assembly. The responsibility is great, but it is our duty to so use the trusts committed to our keeping as best to promote the general welfare.

There is much that is important for us to do. The length of your session is fixed by law, and we should so use the time allotted to us as to be able to complete the legislation so much needed. Not unmindful, I trust, of that courtesy which should always characterize the official conduct of co-ordinate departments in their relations with each other, I submit that, in my judgment, much of the legislation of this Territory, in the past, has been incomplete and unsatisfactory.

We cannot ignore the fact that there has been much confusion and difficulty in attempting to enforce the laws of the Territory in the past; and that such confusion and difficulty now exist. Much, if not all, of these conflicts and vexatious uncertainties have arisen directly from defective or improper legislation.

It is our imperative duty to remedy these evils; and I trust that we shall be able to bring order out of confusion, and, from the fragments, build a temple so perfect, so complete in all of its parts, as to shield every citizen, and protect alike the rights of all.

By an inspection of the Territorial Statutes, it will be seen that many of the laws, now being enforced, were "Ordained by the General Assembly of the State of Deseret," a QUASI organization which existed prior to the organization of this Territory by Congress, but never possessed any validity. True, these laws were "adopted" by a Joint Resolution of the Territorial Legislature. But that is insufficient. It may, with reason, be questioned whether the Legislative Assembly can legislate upon any subject by Joint Resolution. I do not think it can. The Legislature was clothed by Congress with full power to legislate upon all rightful subjects, in the form prescribed by the Organic Act. That is to say that each enactment should be had separately, signed and approved by the Governor, and submitted to Congress for approval. It cannot be claimed that any of these laws "Ordained by the General Assembly of the State of Deseret," and adopted by Joint Resolution, ever received the approval of the Governor; and this is absolutely essential to make them of any binding force and effect. It may be claimed that these are questions to be determined only by the Courts. It is answered that it is the province and the duty of the law-making power to pass upon the sufficiency and validity of all laws, and to make such corrections as, in their judgment, may seem necessary. I therefore call your special attention to all laws of the class referred to, and ask that such as may be deemed essential, be enacted separately, and that all others be declared void.

Education.

In my Message to the Legislative Assembly, at its last session, I urged the early establishment of a good and efficient system of Common Schools, but nothing was done.

Knowing, as I do, that intelligence constitutes the very life of the Republic, the shield of our liberties as a people, I cannot too strongly appeal to you to take such action at this Session, as will secure the object so much desired by all good citizens.

It is not my purpose to specify what a School Law should contain in all its parts, but to leave much to your judgment in the premises.

Every observer of society, every reader of history, every student of political economy knows that education of mind, moral culture, and free government are inseparable; and as every citizen alike shares the blessings and benefits of good government, so all alike should be required to contribute to that which gives to it its greatest strength. I know of no good reason why the rich man, who has no children of his own to educate should not be compelled by law to contribute of his means to educate the children of his neighbor, who is poor, and unable of himself to do so. And so with the man of wealth, who, besides educating his own children, is able to do more.

Justice, good citizenship, every impulse of a higher civilization demands that such should give of their substance to this great work, and I would compel it by law. Let such a system of taxation be adopted as will accumulate a fund, which will be sufficient for the establishment of a thorough system of free schools throughout our borders. Free Schools are among the highest evidences of civilization; and I cannot refrain from expressing the hope that the time is not far distant, and soon will come, when a liberal education will be placed within the reach of every child within the Republic. And I would not have Utah behind in this great work.

Give to the people a thorough system of Free Schools, that our prospective new State may be built upon the solid foundation of intellectual strength. In this connection permit me to suggest, that all moneys arising from fines, and forfeitures, should be given to the General School Fund; thus compelling the violators of the law to contribute to the good of society, by promoting the cause of education.

I call your attention, also, to an act, entitled, "An Act providing for the management of certain property," approved January 20th, 1854, which provides "That the Probate Judge in each County is empowered and required to take possession of all property left by any deceased or absconded person, when there is no legal claimant known, or sufficiently near to see to it; in such case he shall forthwith appraise and make two lists of said property, and keep one on file, and forward one to the Treasurer of the "Perpetual Emigration Fund," and that at the earliest practicable date, the Probate Judge shall place that property, or the avails thereof, in the possession of said Fund, the value thereof to remain until proven away by a legal claimant, when said Judge shall give an order therefor on the Treasurer."

By an act entitled, "An Act confirming, and legalizing an Ordinance incorporating the 'Perpetual Emigration Fund Company,'" approved January 12th, 1855, said "Company" was placed exclusively under the supervision, management, and control of the "Church of Jesus Christ of Latter-day Saints," and the entire proceeds of the business of the Company was made to inure to the benefit of the "Perpetual Emigration Fund." Thus, practically, giving all moneys, arising from the estate of deceased persons, in the absence of a legal claimant, to the Church of Jesus Christ of Latter-day Saints, to be used for church purposes. The propriety of so using these moneys is seriously questioned.

Such funds are in the nature of an inheritance, by the people, and as such, belong alike to every person in the Territory. Moneys that cannot rightfully be used to promote the interests of any one class of persons, to the exclusion of any other. Will any one pretend to say that there are not as good reasons to be offered in favor of its use to promote the interest of the Catholics, the Episcopalians, the Presbyterians, the Methodists, or any other denomination of Christians, as can be advanced in behalf of the "Church of Jesus Christ of Latter-day Saints." There can be but one answer—all alike are without any right to any part thereof. It is in violation of the fundamental doctrines upon which the Republic is founded, to permit any Church, or the people of any religious belief, to share any privileges which are not accorded alike to all. It is not sufficient to say that where a large majority of the people are of a particular religious faith, they, possessing the political power, have the right to control the revenues of a country in such a manner as to them may seem just and proper. Governments were not established for the benefit of majorities, but for the purpose of protecting minorities.

Individual rights, and not collective rights, constitute the true foundations of all just Governments. Hence it follows that if there is any number of men, however small that number may be, who object to the moneys acquired in this way, being used by any Church, for any purpose whatever, where they do not derive an equal benefit therefrom, with every other citizen, it is the duty of the law-making power, to correct the evil, and protect them in their rights. And I doubt not you will agree with me, that, for these reasons, the law which places these moneys under the control of a particular Church, should be repealed, and a law enacted in its stead, requiring that all revenues of that nature, when acquired, shall be so used as to benefit every citizen alike.

To accomplish this, I recommend that a law of Escheats be enacted, and that all estates escheating to the Territory, be given to the general school fund. And I also recommend that the "Perpetual Emigration Fund Company" be required to surrender all moneys or other property of that character, now in their possession, to be used for the same purpose.

Inasmuch as the law organizing the "Perpetual Emigration Fund Company" does not require its officers to make any report of its doings to any one, it is impossible for me to communicate to you the amount of the fund so accumulated; but as the Company has been in operation eighteen years, it is fair to presume that a large amount is now on hand, which should be made available, at once, for educational purposes.

The Courts.

That our courts are in a lamentable condition is apparent to all. It is said that the Territorial Marshal is not and cannot be legally elected, under the law, as it now stands. That the act of the Legislative Assembly, creating the office and providing for the filling of the same, is void, for the reason that it is in express violation of the seventh Section of the Organic Act. It is said that the Probate Courts, rightfully, have no equity or criminal Jurisdiction, and yet exercise both. It is said that the jury law is defective, and that no panel can be drawn, under the present law, that will be legal. To all these points I call your special attention.

The rapid growth of the Territory, in population and wealth and enterprise, and the vast amount of capital seeking investment in our midst, make it all important that remedies at law be made speedy and certain. As it now is, properties, of incalculable value, are in constant jeopardy, and citizens of profitable business and honest purpose are subjected to the villainies of the unscrupulous, without the means of protection. We have it in our power to correct these evils, and it is our duty to do so. Let the law which provides for the election of the Territorial Marshal, by the joint vote of the Legislative Assembly, be repealed, and a law enacted, in its stead, which will be in accordance with the provision of the Organic Act. Let the jurisdiction of the Probate Courts be clearly defined, depriving them, by positive enactment, of all equity and criminal jurisdiction, and confining them strictly to Probate business, and let the Jury system be so corrected that a panel can be had whose verdict will be legal and binding. It is unnecessary, I trust, for me to say, that, in matters of so much importance, it is our duty to rise above all preconceived opinions, and labor alone for the public good. That such will be your course of action I have no doubt.

Territorial Officers.

In this connection permit me to call your special attention to the legal STATUS of the Territorial officers. The seventh section of the Organic Act provides that all Territorial officers shall be nominated by the Governor, and confirmed by the Legislative Council.

The Legislative Assembly have provided for the election of all Territorial officers by the joint vote of the two Houses of that body, independent of the Governor. That this is in violation of the Organic Act is evident.

All of the Territorial offices are now filled in accordance with the provisions of the Acts of the Legislative Assembly, and, I doubt not, you will agree with me, that their election, without the nomination of the Governor, is a nullity. The officers so elected are the Attorney General, Marshal, Treasurer, Librarian, Auditor of Public Accounts, Superintendent of Public Instruction, Warden of the Penitentiary, and Notaries Public. We cannot ignore the fact that the question of the legality of the election of the officers enumerated has been a fruitful source of much vexation, trouble and uncertainty, producing distrust and delay in our courts, thereby doing a serious public injury. Our duty is plain. Let all the laws providing for the election of Territorial officers by the Legislative Assembly be repealed, and a law enacted instead, providing for the filling of such in accordance with the requirements of the Act of Congress organizing the Territory.

Penitentiary.

I call your special attention to the condition and management of the Penitentiary. In my judgment its present condition is far from being satisfactory, and I call upon you to make the necessary correction.

The office of Warden of the Penitentiary is one of great responsibility, requiring vigilance, judgment, kindness of heart, executive ability and integrity. Under the direction and control of such an officer, the management of a prison is an easy matter. And in view of the peculiar character of the duties of a warden, I respectfully suggest that as much power over the internal affairs of the prison, in the management of convicts, as good judgment will permit, be conferred upon that officer. Section four of an act entitled, "An Act in relation to the Penitentiary," approved January 20th, 1860, confers upon the "Board of Directors of the Utah Penitentiary" the power to appoint a clerk, overseers, guards, and all other necessary officers of the Penitentiary. The selection and employment of all subordinate officers of the Penitentiary naturally belong to the Warden, who alone can judge of the fitness of persons for these delicate and important trusts. And I recommend that the section referred to be repealed, and that the Warden be made the recipient of such power. And further, by an Act entitled, "An Act further defining the duties of the officers of the Penitentiary, and for other purposes," approved January 18th, 1861, the Board of Directors of the Penitentiary are authorized to lease the Penitentiary, Warden House, and other buildings connected therewith, together with the convicts, to parties who may bid therefor, and in the event that the Penitentiary and convicts are not rented, by the Board of Directors, the Warden is authorized to hire the convicts out. I do not approve of this.

The Penitentiary, and the buildings connected therewith, are the property of the United States, and as such, the Legislative authority of the Territory has no right to authorize any person or persons to lease them, under any circumstances. Nor do I approve of that portion of the Act in question which authorizes the Warden to hire out the prisoners to such parties, and for such purposes, as he may deem proper. The central idea of punishment for crimes, of a high grade that those punished with death, so far as it applies to the criminal, in person, is his reformation from the paths of vice, and his restoration to good citizenship. Everything, therefore, which in prison-life tends to degrade and humiliate the convicts should be prohibited by law. Under the present system, convicts have been made to labor upon the streets of our Capital, and in the most public places. Humanity revolts at the idea of compelling human beings to perform labor, as convicts, with a ball and chain, and the uniform of prison life, in the midst of the busy throng, constantly subjected to the gaze of the curious, or in contact, it may be, with relatives and friends. The law allowing such treatment ought to be repealed, and the Warden compelled to keep the convicts in the Penitentiary. Under the present law the singular spectacle is presented of a Penitentiary without a convict in it; the prisoners being kept in county jails, in cribs, and in such places as the Warden may deem proper.

Merit Marks.

To the end that good behavior may be encouraged among the convicts, I recommend that you establish a system of merit-marks, crediting good behavior, which shall entitle the convict to a deduction of a certain number of days from the term of his sentence. This system has been tried in some of the sister States, and has produced good results, and I hope it will be adopted in Utah.

Under the law as it now is, ten hours per day, of hard labor, may be exacted of convicts, and while it is admitted that the guilty should be punished for wrong-doing, I am of the opinion, considering the degradations and hardships of prison life, that ten hours' hard labor, for each day, is harsh and unnecessary. The voice of humanity pleads in their behalf. Governments should be generous and kind to the unfortunate ones who fall into the clutches of violated law, and, heeding its appeal, I recommend that the law be so amended as to require only eight hours of labor from the inmates of the Penitentiary. And I also recommend that the Governor of the Territory be authorized and required to inquire into the management of the Penitentiary and its inmates, and all county jails, giving to such officer power to correct abuses, and aid in improving the discipline of such prisons.

Pardoning Power.

The pardoning power, lodged with the Governor by the Organic Act, is one of the most delicate and, at the same time, one of the most important trusts committed to his keeping. And often it is exceedingly difficult for the Executive to determine whether a pardon should be granted, left as he now is, without any means of knowing the nature of the evidence upon which conviction was had. To the end that a helping hand may be extended to the Executive, and justice promoted, I urge you to enact a law, requiring the prosecuting officer, in all criminal cases, when convictions are had, whether for offences against the laws of the United States or the laws of Utah, to prepare a full synopsis of the evidence adduced on the trial, and forward the same to the Governor of the Territory, by him to be kept for reference, should applications for pardons or reprieves be made.

Criminal Practice Act.

I call your attention to the fact that there is now, substantially, no Criminal Practice Act in this Territory, and I earnestly recommend the enactment of such a law, governing legal proceedings in criminal cases, as will meet this public want. To facilitate your labors in this behalf, permit me to suggest that you adopt the criminal code of one of the sister States, built up and perfected by years of trial and experience, making such modifications and additions as will adapt it to the wants and harmonize it with the laws of the Territory.

Salaries.

An inspection of the laws of Utah discloses the fact, as peculiar as it is unfortunate, that no provision is made for the compensation of Territorial Officers. The idea of service, founded in justice and equity, implies compensation. And this obligation is as strong between the Government and its Officers as between individuals. And in all cases where the services of the citizen are required, it is the duty of the power requiring such services, to fix and determine, in advance, what the compensation shall be. The practice in Utah, hitherto, has been to require the services of Territorial Officers, and fix a salary by appropriation, in the nature of a Relief Bill, after such service has been rendered. This is not just. It leaves the officer, after having given his time and attention to the duties of his office, wholly at the mercy of the Legislature, who may fail, neglect, or refuse to make an appropriation, leaving the public servant without remedy. It is our duty to make it impossible that injustice may be done; and, to that end, I recommend that reasonable salaries for all Territorial Officers be fixed by law, to be paid from the Territorial treasury.

Militia.

Inasmuch as the militia organization known as the Nauvoo Legion has been a fruitful source of trouble in the past, it is proper that I should call your attention to the law upon that subject, and ask you to make such corrections as the circumstances may demand.

Section 1, of an act, entitled, "An Act for the organization of the Militia of the Territory of Utah," approved January 15, 1857, provides that the "Lieutenant General of the Nauvoo Legion, aided by six or more commissioned officers, of the line or staff, to be selected by him," shall be authorized and empowered "to draft and adopt a system of laws and regulations for the militia of the Territory of Utah," and "to create and fill such offices, as are or may be necessary for its organization," which "laws and regulations" were to have full force "from and after their publication."

In the month of July, of the same year, the committee, so appointed, "published" a "system of Regulations" and that system of regulations constitutes the only militia law of this Territory. That "system of regulations" was never reported back to the Legislature, never passed the two houses, never received the approval of the Governor. It is simply the unfinished work of a committee, and as such, can have no binding force and effect. To the end that a militia organization may be perfected, by the authority of law, I recommend the passage of a law providing for the organization of a militia, the legality of which cannot be questioned.

Elections.

The right to vote is the highest manifestation of sovereignty, the most sacred privilege of American citizenship, and 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 Selectmen, 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 a material of any action at law in the District Courts, it shall be found to involve 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 dower 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 2, of an Act, entitled, "An Act in relation to the Judiciary," approved January 15, 1855, provides that the 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, and intelligence of 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 laws as it now stands, they are compelled to select a majority of their Boards of Directors from men 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. 15, 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 holden in the city of Philadelphia, in the year 1876.

The suggestion is a good one, and I recommend that such Board be created, and that you make an appropriation 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.

Correspondence.

Terrible Railroad Accident.

OGDEN CITY, Utah,
Jan. 12, 1874.

Editor Deseret News:

Near midnight last night a terrible and fatal accident occurred near the Promontory on the C. P. R. R. The night was very dark, the fog was dense, and the atmosphere very frosty. As the freight train from the West neared the above-named place the brakesman was missed from the cars. As soon as possible a party was sent with a hand car in search of the missing man. His remains were soon found, which presented a horrible appearance—they were mutilated in a fearful manner, torn in fragments! The top of the cars had become covered with frost and ice and it is supposed that he must have slipped and fallen upon the track, when the train passed over him, tearing him and his clothes to atoms. This morning F. A. Brown, Esq., acting Coroner, held an inquest. The conductor and engineer were examined as witnesses, and the jury—G. W. Hill, G. J. Turner, and J. R. Pool—returned a verdict that the deceased came to his death by accidentally falling from the cars while the train was in motion, passing over his body and causing instant death. The name of the unfortunate man was F. A. Moffatt. He was about thirty years of age, and formerly resided in some part of the State of Ohio, but the town and county were not remembered. He bore a good character, was sober, industrious, honest and attentive to his business. His sudden and untimely end has cast a deep gloom over his friends in this neighborhood.

The weather here, although pleasant during the day, is hazy. The nights are cold, foggy and frosty.

L. P.

NEW ADVERTISEMENTS.

SALT LAKE
THEATRE!

Salt Lake Theatre Corporation, Proprietors.
CLAWSON, CAINE & WILLIAMS.....Managers.
JOHN H. PARRY.....Stage Manager.
C. J. THOMAS.....Musical Director.
R. B. ZABRISKIE.....Prompter.
GEO. TERRELL.....Scenic Artist.

THE GOVERNOR AND THE TERRITORIAL LEGISLATURE

Having been invited by the MANAGEMENT and MR. J. A. HERNE, will attend the Theatre this (Tuesday) Eve.

LAST WEEK OF
MR. JAMES A. HERNE.

Tuesday Ev'ng, Jan. 13, 1874,

LAST REPRESENTATION of the Original Drama,
LIGHTHOUSE CLIFFS!

Oliver Livcoak,.....Mr. J. A. Herne
Winnifred,.....MISS ELIZA NEWTON

To conclude with
SOLON SHINGLE.

Solon Shingle,.....Mr. J. A. Herne

IN PREPARATION,
CARLOTTA.

PRICES OF ADMISSION:

Parquette, Parquette Circle and First Circle,	$1.00
Second Circle	50
Third Circle	25
Private Boxes,	from $7 to $12 each
Reserved Seats,	25c. additional

Doors open at 7 o'clock. Performance commences at half-past 7.

☞ BOX OFFICE open for sale of tickets every morning at 10 o'clock.

GLADIATOR TUNNEL AND MINING COMPANY.

Annual Meeting of Stockholders.

THE NEXT ANNUAL MEETING OF Stockholders of the "Gladiator Tunnel and Mining Company" will be held at the office of the Company, No. 54 East Temple street, Salt Lake City, Utah, on the evening of the 14th day of January, 1874, as provided in Article 2 of the By-Laws, at half-past 7 o'clock. An addition to other important business will be the election of Trustees for the ensuing year.

A. S. GOULD,
President G. T. and M. Co.
d43 2

SPECIAL NOTICE.

AS THE BOTTOM FOR DRY Goods and Groceries has unquestionably been touched, and a sharp advance is liable at any moment to take place, we advise Country Merchants who intend replenishing their stocks for late Winter sales, to send along their orders, or inspect the market for themselves as early as possible.

Having availed ourselves of the recent depression in the Blanket and Flannel market by making large purchases for cash, we are prepared to offer extraordinary bargains.

Zion's Co-operative Mercantile Institution.

W. H. HOOPER, Supt.
d36 tf

James T. Blanchard, C.E.,
ANALYTICAL AND ASSAYING OFFICE,
Rooms, 12 and 13, Groesbeck's Building,
Second South St., up-stairs.
☞ Advice and professional consultations; designs and assays. Highest references.
d38 tf

First National Bank
OF UTAH,
Salt Lake City.

DESIGNATED DEPOSITORY AND FINANCIAL AGENT OF THE UNITED STATES.

WARREN HUSSEY.....President.
ANTHONY GODBE.....Cashier.

Authorized Capital, - - - - $500,000
Paid Up Capital, - - - - - $150,000
Earnings, - - - - - - - - $175,000

Dividend for 1871, 50 Per Cent.

Dividend for 1872, 50 Per Cent.

The Oldest Banking Institution in Utah.

GENERAL BANKING BUSINESS TRANSACTED

Agencies in Colorado and Montana.

COLLECTIONS PROMPTLY ATTENDED TO.

Interest Allowed on Time Deposits.
d366 tf

NOTICE.

THE ANNUAL MEETING OF THE Stockholders of the Utah Southern Railroad Company will be held at President B. Young's Office, Salt Lake City, U. T., on Saturday, January 17th, 1874, at 11 o'clock

GEORGE SWAN,
Secretary.

Salt Lake City, Dec. 6th, 1873.
d361 td

WANTED.

A GOOD HATTER, at BRIGHAM CITY Co-operative Store. Apply at BRIGHAM CITY CO-OPERATIVE STORE.
d301f

TEASDEL & CO.,
TEASDEL & CO.

SPECIAL NOTICE!

TO THE INHABITANTS OF UTAH, IDAHO AND WYOMING, GREAT INDUCEMENTS OFFERED IN ALL CLASSES OF MERCHANDISE.

We are constantly receiving

NEW GOODS!

Which are bought
FOR CASH.
At the Lowest Panic Prices, and we are determined to give our Patrons the advantages of these purchases.

☞ All who have CASH and WISH TO INVEST in

DRY GOODS, GROCERIES, CLOTHING, ETC., ETC.,

Will find by calling and inspecting our Stock that We Mean Business.

65, 67 & 69 EAST TEMPLE ST., SALT LAKE CITY.
d22 tf

PHILADELPHIA TRADE.

MAKE YOUR CHILDREN HAPPY
BY BUYING THEM A PAIR OF
S. D. SOLLERS & CO's CELEBRATED FINE SHOES.
THEIR styles are always the latest, consisting of the largest variety made in Philadelphia. They will fit better, look prettier, wear longer and give more satisfaction than any other make, besides they will not hurt the foot. A large and complete assortment can be found, both Wholesale and Retail, at Z. C. M. I. and all its branches throughout the Territory, also at all other first-class stores. ☞ Do not fail to ask for a pair of our Shoes. See that they are stamped on the Sole.
SOLLERS & CO., Philadelphia.
P.S.—We stamp every pair. None are genuine unless they have our name on them.
d272 6m

ST. LOUIS TRADE.

Appleton, Noyes & Co.,
525 Main St., & 110 Washington Ave.,
ST. LOUIS, MO.
WHOLESALE DEALERS IN
BOOTS AND SHOES,
Manufacturers of the celebrated
ST. LOUIS CUSTOM BOOTS.
☞ EVERY PAIR WARRANTED.
d268 1y

CHICAGO TRADE.

VanSchaack, Stevenson & Reid
WHOLESALE DRUGGISTS,
CHICAGO.
92 and 94 LAKE STREET.
(CORNER DEARBORN)

d56 1y

REMOVED!

DAYNES & SON
HAVE REMOVED THEIR MUSIC business
Half-a-Block North of Post Office
And opposite Z. C. M. I. Grocery Department,
Where will be found a FULL LINE of
MUSICAL MERCHANDISE,
PRINCE ORGANS,
BEDMAN ORGANS,
PELOULET ORGANS,
STEINWAY,
SAUER AND
MATHUSHEK
PIANOS.
WE SELL OUR ORGANS
20 Per Cent. Lower
Than any other house in Utah, and give
Three Months' Lessons Free!
☞ Organs Sold on Instalments. ☜
Call and see our Goods and ascertain prices.
DAYNES & SON,
Opposite Z. C. M. I. Grocery Dept.

Tallow and Grease.
THE HIGHEST MARKET PRICE
Will be paid in Cash, or Soap for
ROUGH OR RENDERED TALLOW
Slack Butter,
And all other kinds of GREASE, at
J. B. Maiben's Soap Factory,
Adjoining Wagner's Mill, West,
West, Salt Lake City.
d30 3m 1y

C. E. BROOKS. H. HEMMERS.
BROOKS & HEMMERS,
MANUFACTURING
CONFECTIONERS,
AND
WHOLESALE DEALERS IN NUTS, &c.
23, 25, & 27 Peoria St., Cor. West Lake,
CHICAGO.
d61 1y

THE NEW
FLORENCE
SEWING MACHINE
IS THE
Simplest and Best
MACHINE IN USE.
THE LATE IMPROVEMENTS ON THE Machine make it now the only machine that combines the desirable features of ALL others with its own excellencies.
The New FLORENCE is the only machine that has the
CELEBRATED
Reversible Feed and Self-Adjusting Shuttle Tension!
It is almost SILENT when sewing, and ALWAYS IN ORDER.
THE
FLORENCE
PLEASES IN ALL DIRECTIONS.
☞ We invite purchasers to call and examine before purchasing.
WE WARRANT EVERY MACHINE,
And Guarantee to keep all FLORENCE Machines in Utah in perfect running order, without expense to the owner.
Parties heading or pulling and working well will do us a service by calling.
Extras, New Attachments on hand.
☞ Active Agents wanted everywhere.
PHILLIPS & LORD,
GENERAL AGENTS,
19 & 21 First South St.,
SALT LAKE CITY
170

WHITE STAR LINE!
Between New York, Cork and Liverpool.
THE magnificent new and full-powered Steamships of this line offer unrivalled accommodations to all classes of passengers. The Steamers being alike, travelers secure the great advantage of having an equally good and fast Steamer for each and every sailing. COLTIC, CELTIC, ATLANTIC, REPUBLIC, BALTIC, ADRIATIC, MAJESTIC, BRITANNIC. Sailing from New York on Saturdays, from Liverpool on Wednesdays, calling at Cork harbor both ways. Rates as low as any first-class line. For further information apply to
General Western Agents, 96 South Market St., Chicago, or to Chas. F. Smith, Well-Fargo's Express, Salt Lake City.
d70 1y eod

KOUNTZE BROS., BANKERS,
No. 12 Wall St., NEW YORK.
Allow interest at the rate of Four per cent. upon Deposits of Gold and Currency.
Receive consignments of Gold, Silver and Lead Bullion, and make Cash advances.
REFERENCE.
Merchants, Mining Companies and Smelting Works.
d36 1y