

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - March 4, 1874.

THE APPROPRIATION BILL.

IN the exercise of an assumed power, his Excellency Governor Woods thought proper to refuse to officially sign a number of laws passed by the Legislative Assembly during its late session. He refused to sign some bills incorporating or amending the charters of certain cities. The people desired these charters or amendments, and the elected representatives of the people voted in favor of them, and yet the Governor, who is neither one of the people nor one of their representatives, but a stranger foisted upon them, must take upon himself the obstructive importance to thwart the wishes of the people and nullify the acts of their chosen representatives.

It may be that the charters desired, and the amending of other charters, were not the best things of the kind that could be conceived of. But what of that? If the representatives of the people voted for them and the people desired and were satisfied with them, and they were constitutional, why should they not become law? Why should the vanity and the dictum of one man, not the choice of the people, be thrust in the way to prevent the wishes of the people from being complied with?

If not intrinsically the best, yet that which the people desire, receive, appreciate, and use as the best, may prove the very best to them. For example, let us suppose that our worthy Governor has a wife. She may or may not be intrinsically the best wife in the world. Different men may have different opinions upon that point. But if his Excellency thinks she is the best, and esteems her as the best, she actually is the very best wife in the world to him, although his officious "friends" may have been anxious to make a very different match for him, just as he thinks he would, like to have very different laws enacted to those which the people and their representatives may think the best. In this instance, it is the undoubted right of the people to have their own way, subject to the constitution and constitutional laws of the United States, which point the Governor can watch as carefully as he pleases.

The Governor refused to sign or consider the jury bill, under the specious pretence of lack of time, when he well knew that many of the complaints forwarded by the "ring" to Congress were professedly based on the alleged difficulty of obtaining juries. His refusal, therefore, to take the jury bill in hand, after having presumed to veto one bill of that kind previously, will be taken by every candid person as a palpable playing into the hands of the "ring," an evidence of a determination to create and perpetuate difficulty, and to bring about and maintain not only a conflict of jurisdiction, but a dead lock, if possible, between the federal and the local authorities. His Excellency may now consider it an honor to be a tool of the "ring," but the time may come when he will think differently.

His Excellency took upon himself to refuse to sign the Territorial Appropriation Bill, and, in the profusion of his assumption, to point out the items which his superlative wisdom could not permit him to approve of. The Legislature was doubtless very much obliged to him for his condescension and kindness, manifested in his extreme readiness to dictate the spending of the revenue of the Territory. It is a peculiarity of some people, that they would like to spend, or direct the spending of, other people's money, though such manifested desire is generally understood to belong to the things coming under the term impudence.

Here is a gentleman, a Christian gentleman, the servant of the people. How does he show the gentleman in his own person? How does he serve the people? He takes

upon himself the self-assumed power to veto half the bills presented to him, half the bills passed by the representatives of the people, chosen by the people, and thus to thwart the wishes of the people, in the interest of the small and pitiful minority. He vetoes the Appropriation Bill, and thus does all he can to prevent the proper and timely disbursement of the revenue of the Territory, by the elected representatives of the people, back to and among the people. He arrogantly sets his single judgment up above the combined judgment of the representatives of the people, and the judgment of the people themselves, in things which do not immediately concern him or his friends of the "ring," any more individually, nor so much in the aggregate, as they immediately concern the people and their representatives.

Whose money is it, the spending of which the Governor is so anxious to dictate? Is it his own money? O, no. Does he contribute ten cents towards it? Possibly he does, but this much may be taken for granted, that he does not contribute, at the utmost, more than the ratio of one out of the 15,000 taxpayers of the Territory. Yet this one man, who is not one of the people, takes upon himself to dictate the disbursement of the taxes paid by the 15,000 people, and in opposition to their wishes definitely expressed by their chosen representatives in legislative council convened! It is not his money, it is not the money of his immediate friends, it is not the money of federal officials, it is not the money of the "ring," whom he favors so much. In the aggregate it is the people's money, contributed by them for their own use and pleasure, not for his use and pleasure individually, contributed to be spent in that manner which the elected representatives of the people may deem most judicious, and for the furtherance of the welfare, prosperity, and best interests of the people at large.

We have taken pains to secure definite figures, as accurate and trustworthy as are obtainable, concerning the Territorial revenue. The total amount of the appropriations in the Appropriation Bill is \$197,014 18. Deducting the Deficiency Bill, previously paid, \$21,658 83, leaves \$175,355 35 as the amount appropriated to be paid in 1874 and 1875. Per contra, there was in hand, Dec. 31, 1873, as per Treasurer's Report, \$35,655 47; paid into treasury since that date, \$10,296 15; taxes due but yet uncollected, \$35,000; estimated revenue for 1874, \$50,000; estimated revenue for 1875, \$57,500; making a total of \$188,451 62. Take from this the amount appropriated and to be paid in 1874 and 1875, and a surplus is left at the end of 1875 of \$13,096 27.

The above is considered a fair and very reasonable estimate. The figures for the estimated revenue for the years 1874 and 1875 are certainly very moderate, and it is believed that the allowance for the estimated increase of revenue in the two years over the figures of 1873 is much less than will be realized.

But there is something else to be considered in favor of the Territory, in this connection. Sixty thousand dollars of the \$175,000 appropriated is for part expenses incurred by the people through Indian hostilities, the Territory guaranteeing reimbursement of that amount, but which Congress should and probably will make an appropriation for, as is the wont of that body in similar cases, this \$60,000, when appropriated by Congress, being covered into the Territorial Treasury, and placed to the credit of the Territory. So that, should Congress act favorably upon this Indian hostilities business before the next Utah Legislature sits, two years hence, the Territory, at the end of the two years, would have more than \$73,000 unappropriated funds in the Treasurer's hands, more than double what it had in 1873.

This may reasonably be considered a very favorable showing, and it manifests, on the part of the honorable representatives of the people, at once a careful regard for economy in the disbursement of the people's money, and for the advancement of the interests of the Territory, and a commendable determination to confine the Territorial expenditures within a fair estimation of the revenue of the Territory.

Where, then, has the Governor any reasonable ground for complaint, in regard to the Appropriation

Bill, for disapproval of it, for vetoing it? We fail to see any, and we think it is an entirely unjustifiable act on his part to refuse to sign it, indicating a purpose to interfere in the business of the people beyond what his duty requires of him, and a desire to throw every obstacle in the way of the peace, harmony, good order, and prosperity of the people and the Territory.

His Excellency may say that his judgment could not approve of some of the items appropriated in the Bill. Possibly so, but that approval was not necessary. He might have signed the Bill, as was his duty. If he could not conscientiously approve, in his judgment, of certain items, he could have officially approved the Bill, and still have told the Assembly his personal opinion of it in a message, if he had wished to let them know. Then he would have saved his conscience, and still have done his official duty, and not have used his influence to block the wheels of progress of the whole Territory, as his failure to sign the Bill was plainly intended to do. In this he must be considered entirely inexcusable.

There is no necessity whatever that his judgment should be exactly suited in every bill passed by the Assembly, and especially in the Appropriation Bill, any more than that the judgment of any other tax-payer should be suited in the same matter. The representatives of the people meet in a legislative capacity to legislate for the people, and when they have done so, the Governor's duty requires him to give effect to the legislative acts of the representatives of the people by officially signing those acts, that is, the passed bills, not by refusing to sign them, and thus doing all he can to prevent the realization of the wishes of the people, as those wishes are given form and expression by their chosen representatives in legislative capacity assembled.

It is no strange thing that the Governor's judgment could not approve of every item in the Appropriation Bill. It would have been far more strange if his judgment had approved of every one. But conscientious personal approval by the judgment, and official approval, are two different things, in his case and so far as his duty is concerned. Besides, what two persons in the world can perfectly agree, in their individual judgments, upon the very best manner of spending a thousand dollars? If we were never to have an appropriation bill to go into effect until the Governor and every member of the Legislature, to say nothing of every taxpayer, were convinced, in his judgment, that every item in such bill was appropriated in the best possible manner, we should see Doomsday before we should see that appropriation bill become law and the taxes be spent in accordance therewith. The fact is, everybody thinks he can spend money to better advantage than anybody else can. Every one is sure that unless he spends, or dictates the spending of, money, it will not be made the most of, not spent in the most judicious manner, not put where it will do the most good. It is further a fact that every man thinks a little more money, especially public money, should be spent upon him and his family and his friends, and less upon other men and their families and their friends. This is the dilemma in which our worthy Governor is placed, though he may not have found it out yet. This is one of the real reasons why he refused to sign the Territorial Appropriation Bill, a reason which we consider entirely inadequate.

The Legislative Assembly represent and legislate for the people, not for a clique, and, Heaven be thanked, not for the "ring."

THE LEGISLATURE.

DISPATCHES from this city report abroad that the Legislature, at its late session, did very little business. The session was but a brief one, only giving about a month of working days, say 35. In that time the Assembly considered 108 bills, more than an average of three daily, besides memorials, petitions, joint resolutions, etc. Of these 108 bills, if our information is correct, 47 were passed, and of these 47 sixteen were approved, the remainder being expressly vetoed or not approved by the Governor.

Under these circumstances, that is, the almost hopelessness of passed bills receiving gubernatorial approval, without the members of the Legislature stultifying themselves or ignoring their convictions of right and duty in passing them, we must conclude that the Legislature is to be commended for its industry, diligence, and perseverance in preparing, considering, and passing so many bills as were originated and did undergo such action, and consequently that the members deserve the continued respect and esteem of their constituents.

LABORS OF THE LEGISLATURE.

As a record of the labors of the Legislature at its late session, we present the following list of bills introduced in both houses during the session, with the disposition made of the same, so far as we have traced it. The various petitions, memorials, etc., offered in and considered by the Assembly we do not here record.

COUNCIL.

Council File 1. An act amending "An act regulating elections." Withdrawn.

2. An act to amend an act entitled, "An act providing for incorporating associations for mining, manufacturing, and other industrial pursuits," approved Feb 18, 1870. Reported adversely.

3. An act supplementary to an act entitled, "An act for incorporating associations for mining, manufacturing, commercial and other industrial pursuits," approved Feb. 18, 1870. Reported adversely.

4. An act in relation to district attorneys. Vetoed.

5. An act concerning conveyances and contracts. Approved Feb. 20.

6. An Act concerning fraudulent conveyances and contracts. Unfinished business.

7. An act defining the qualifications of, and the mode of selecting and summoning, grand and petit jurors for district courts. Vetoed.

8. An act concerning the proof and acknowledgment of conveyances and other instruments in writing, affecting real estate. Consolidated with C. F. 5.

9. An act to provide for the formation of corporations for public libraries, and literary, scientific and benevolent institutions. Tabled.

10. An act to prevent frauds and perjuries. Unfinished business.

11. An act to regulate fees and compensation for official and other services in the Territory of Utah. Approved Feb. 20.

12. An act providing damages for death caused by wrongful act, neglect or default. Vetoed.

13. An act changing the names of John, Samuel and Thomas A. Mycock. Approved Jan. 24.

14. An act in relation to public schools in Utah Territory. Not passed.

15. An act amending "An act to incorporate Irrigation Companies." Passed.

16. An act relating to bills of exchange and promissory notes. Tabled.

17. An act further defining the duties of sheriffs and amending "An act in relation to marshals and attorneys," approved March 3, 1852. Unfinished business.

18. An act for the recovery of money or other property lost at gambling. Unfinished business.

19. An act to secure efficiency in the public service. Tabled.

20. An act in relation to the money of account and interest. Not passed.

21. An act to incorporate the city of Salem. Unfinished business.

22. An act fixing the salaries of the Territorial officers. Not passed.

23. An act amendatory of an act entitled, "An act to regulate proceedings in civil cases in the courts of justice of this Territory and to repeal certain acts and parts of acts," approved Feb 1, 1870. Passed.

24. An act concerning escheats. Tabled.

25. An act to amend "An act providing for incorporating associations for mining, manufacturing, commercial and other industrial pursuits," approved Feb. 18, 1870. Approved Feb. 20.

26. An act to attach the county of Piute to the Second Judicial District for judicial purposes. Approved Feb. 12.

27. An act creating a board of managers for the Territory of Utah

to co-operate with the National Centennial Board of Commissioners for the Centennial Exhibition, to be held in the city of Philadelphia, in 1876. Superseded by C. F. 36.

28. An act amendatory of and supplementary to the charter of Parowan city. Vetoed.

29. An act to amend an act entitled, "An act providing for the incorporation of railroad companies and the management of the officers thereof," approved Feb. 19, 1869. Passed.

30. An act providing for a general lien for common carriers and for the sale of property not delivered. Vetoed.

31. An act further amending an act entitled, "An act defining who are exempt from serving on juries, and prescribing the mode of procuring grand and petit jurors and juries for district courts, and for other purposes. Reported adversely.

32. An act amending "An act in relation to marshals and attorneys." Passed.

33. An act to amend an act entitled "An act amending the charters of incorporated cities," approved Feb. 15, 1872. Passed.

34. An act amendatory of and supplementary to the charter of American Fork city. Unfinished business.

35. An act concerning juries. Passed.

36. An act creating a board of managers for the Territory of Utah, to co-operate with the National Centennial Board of Commissioners for the Centennial Exhibition, to be held in the City of Philadelphia in the year 1876. Vetoed.

37. An act to incorporate Scipio city in Millard county. Unfinished business.

38. An act providing for the election of the territorial auditor of public accounts and the territorial treasurer. Unfinished business.

39. An act specifying when acts and resolutions shall be in force. Tabled.

40. An act to amend an act entitled "An act prescribing a summary mode of procedure for the recovery of real property forcibly and unlawfully withheld," approved Feb. 16, 1852. Unfinished business.

41. An act in relation to insane persons. Approved Feb. 19.

42. An act concerning the laws of Utah. Approved Feb. 20.

43. An act to provide for a general lien for common carriers, and for the sale of property not delivered. Vetoed.

44. An act repealing "An act to provide for compiling and publishing the laws of Congress applicable to the Territory of Utah, and for other purposes," approved Feb. 16, 1872. Passed.

45. An act providing damages for death caused by wrongful act, neglect or default. Passed.

HOUSE OF REPRESENTATIVES.

House File 1. An act to provide for the election of probate judges, county assessors, and county collectors. Superseded by H. F. 41.

2. An act further defining the mode of procedure at elections and for other purposes. Referred to committee on elections.

3. An act defining the duties of county recorders and the manner of conveying real estate. Tabled, but most of it embraced in C. F. 5.

4. An act authorizing county assessors and county collectors to collect all school taxes levied as by law provided in this Territory. Tabled.

5. An act amending an act entitled, "An act establishing district and precinct pounds and prescribing regulations for conducting the same and for disposing of stray animals," approved Feb. 13, 1872. Consolidated with H. F. 16.

6. An act supplementary to "An act conferring upon woman the elective franchise." Referred to committee on elections.

7. An act providing for publishing recorded marks and brands. Unfinished business.

8. Substitute for H. F. 5. Consolidated with H. F. 16.

9. An act declaring the common law of England in force in the Territory of Utah. Referred to the committee on judiciary.

10. An act supplementary to an act entitled, "An act pertaining to damage done by animals and defining a lawful fence," approved Feb. 16, 1869. Reported adversely.

11. An act in relation to the male of bovine quadrupeds running at large. Consolidated with H. F. 16.

12. An act amending "An act concerning certain animals run-