

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
SALT LAKE CITY, UTAH TERR.,
January 9, 1872.

GENTLEMEN OF THE LEGISLATIVE
ASSEMBLY:—

In thus assembling to discharge the duties devolving upon us, by the Organic Act of the Territory, it should be our first duty to make known our gratitude to Almighty God, for His goodness to us as a people and to ask His guidance in all that we do at this session. We are, for the time being, the custodians of the people's interests. The responsibility is great. Let us so use the trust committed to us, as best to conduce to the welfare and prosperity of those whom we serve.

Little Legislation Needed.

In my judgment, but little legislation is necessary at this time. A statute overburdened with needless enactments is a public nuisance. It is a well-known principle, however, that laws to be effective must keep pace with the public necessities. Hence, in the rapid growth and development of this community in population and wealth, commerce and enterprise, laws enacted in wisdom and good judgment, which met the demands of the public two years ago, are wholly inadequate to-day.

Mining Law.

Great changes have been wrought in Utah since the last session of the Legislative Assembly. The rapid and profitable development of her mines, unparalleled in richness and extent, has called hither a vast population, and invited capital from every portion of the civilized world. In justice, therefore, to the owners of mines, and for the peace and good name of the Territory, I earnestly recommend the passage of a plain, judicious and comprehensive mining law. Necessity demands it. Let the strong arm of the law hold in subjection that class of men, enemies to justice and honor, who prey upon mining communities and rob honest men of their property. The *bona fide* owners of mines should be made to feel that, under the law, their rights are secure. That community deserves the greatest praise which gives the best protection to its citizens; and it is earnestly desired that Utah should be known for its plain, just and comprehensive laws, protecting alike all classes, and for the rigor with which it enforces them.

Education.

There is nothing which the interests of this Territory so much require as a thorough and efficient system of common schools. A liberal education should be placed within the reach of every child in its limits. Utah, destined, soon, to take high rank in the sisterhood of States, should foster educational interests, as the nurseries of influence and power. The school is the link, in our civil system, which connects the family with the State.

And, recognizing the fact that intelligence is the strength of free government, and the foundation of all good society, I earnestly recommend the passage, by you, of a judicious school law, such as will constitute a basis upon which an efficient system of free schools can be built, in the early future. To have good schools, you must have good teachers; such as are thoroughly instructed in the art of teaching. To teach well, requires study and preparation. To that end I recommend the early establishment of a Normal School, where persons designing to teach, as a profession, can be prepared for that high calling. Where intelligence is universal, life, liberty and property are most secure. If the poor, therefore, cannot educate their children, it is the duty of the rich, looking to their own interests, and to the public welfare, to contribute of their means, for that purpose.

A tax should be levied upon all the property of the Territory, subject to taxation, which should constitute an irrevocable school fund, the interest of which should be applied for educational purposes. The annual increase of the principal, under such an arrangement, would, in a few years, constitute a fund sufficient to meet, in part, this public want. By an Act of Congress, approved September 4, 1841, upon the admission of Utah, into the Union, as a State, she will become entitled to five hundred thousand acres of public lands, for the purpose of internal improvements. The rule, latterly, has been upon the admission of new States, to obtain the consent of Congress to the diversion of the revenues arising from this source, to educational purposes. From this source,

together with five per centum of the proceeds of the sale of the public lands and the sixteenth and thirty-sixth sections, added to the fund suggested above, an amount sufficient can be had to establish a thorough system of free schools throughout our borders.

Railroads.

In no one thing is the sound judgment of the American people made more manifest, than in the generous assistance which the Government has extended to the great railroad enterprises of the country. To that more than all things else do we owe the wonderful progress which we have had as a nation. Cheap and rapid transportation is indispensable to commercial prosperity.

The relation which Utah holds, geographically, to the other portions of the Republic, makes it necessary that a general system of railroads shall be inaugurated, which shall penetrate every portion of the Territory. Who can estimate the value, to us, of the great trans-continental railroad? The Utah Central is doing a great work; but we need more such. We need one connecting with the North Pacific Railroad, in Montana, thence running south, via Salt Lake City, to the South Pacific, in the valley of the Colorado.

We need one connecting with the Utah Southern, and thence running East, via Uintah Valley, to Denver City. We need a number of shorter lines, penetrating the various rich mining districts, to facilitate the transportation of ores and bullion to market.

The importance of these enterprises, in their influence for good, in the growth and prosperity of this country, so rich in all the elements of strength, cannot be over-estimated. And I cannot too strongly urge upon you to do all in your power to encourage them and hasten their early completion.

Insane Asylum.

The perfecting of a civil system is a slow process. Utah has done well; but there remains much yet to do. It is ours to give a helping hand. We now number about one hundred thousand souls, with a steady and rapid increase from every quarter. We ought to have an Asylum for the Insane. Humanity requires it. There is now no public institution where these poor unfortunates can be kept. I should fail to do my duty were I to omit to urge you to take such steps, immediately, as will meet this great public want. In this connection, permit me to suggest that the building, erected by the Government of the United States, for a State House at the town of Fillmore, in the county of Millard, now that the capital of the Territory has been established at Salt Lake City, is of no value to the Government, and I am of the opinion that, upon proper representations being made, it could be had for the purpose of converting it into an Asylum for the Insane. The building is a good one, the location is excellent, and the necessity is great. I hope you may take the necessary action in the premises.

Marriage.

The Territories are the wards of the Republic. As such they are subject to the will of Congress. The constitution of the United States guarantees freedom of conscience, in religion. But it is presumed that all religious conviction will be in harmony with the Constitution, which is the supreme law of the land. Aught else than this would be national suicide.

There is a law upon the statute book of the United States which makes plural marriage, in the territories, a crime.

The law is binding upon all citizens alike, and should be obeyed by all. No private interpretation, or religious conviction, can shield any person from its operation. It is said that this law is unconstitutional, and void. The Supreme Judicial Tribunal of the Republic has not so declared. Until then it is in full force and virtue.

Polygamy, or plural marriage, is practiced in Utah, in violation of this Act. This ought not to be. If one class of persons can violate one law with impunity, and shield themselves behind the bulwarks of religious toleration, another class can do the same with some other law; and so on, until religious dogmas are made to take the place of Constitution and laws, and anarchy would ensue. The advocates of such a theory would invoke religious toleration to devour the very source from which religious toleration emanates. If there has been undue excitement in this Territory, recently, which has threatened the public peace, disturbed commercial transactions, and provoked

criticism from abroad, doubtless it has been in part in consequence of a violation of this law. As a friend, therefore, of the whole people, earnestly desiring the peace and prosperity of all, I urge you to take such steps, at this session, as will establish harmonious relations between the people of Utah and the general Government, upon this subject.

There is now no statute law in Utah upon the subject of marriage. I do not hesitate to say that, in my judgment, there ought to be. Marriage may be a sacrament. It is none the less a civil contract. This is the established doctrine of the Republic. It ought to be so regarded in this Territory.

There are many rights incident to, and growing out of, the marriage relation, which make it absolutely necessary that there should be a plain, positive statute upon that subject—such as the right of the wife to support, and to the protection of her person, including the protection of her children; her right to separate estate, and to her individual earnings; her right of dower in the estate of her deceased husband. These are claims which are in harmony with the spirit of the age, and founded in equity and good judgment. I cannot urge you too strongly to speedily enact such a law upon marriage as will meet this great public want. By so doing you will render to the people of the Territory an invaluable service, in preventing interminable and vexatious litigation, which otherwise must inevitably come.

Irrigation.

As agriculture is the basis of real strength, it is a duty which we owe to the public at large to assist, with all the means at our command, to utilize every available acre of land within our borders.

Large portions of the Territory are now unproductive and worthless, for the lack of moisture; most of which can be reclaimed by establishing a system of irrigation. The physical features of the country, in mountain, stream and plain, are happily adapted to such; and I hope that, as representatives of the whole people, you may inaugurate and foster some system which shall accomplish the end so much needed. And, in this connection, permit me to suggest that the Territory, as the ward of the Government, should ask the assistance of Congress in this great work.

While I am aware that it is now the policy of the Government to save the public domain for *bona fide* settlers, yet there is no force in the policy as applied to the class of lands in question; since, unreclaimed, they are wholly worthless. Of what value to the Government are these arid plains as they now are? They cannot be occupied, nor can they be sold at any price. If by the donation of a portion of these lands enterprise can be encouraged which will make the remainder valuable, it would be but the part of good judgment to make the donation. The plains of Bear river, of Jordan, Provo, Beaver, St. George—vast districts of great intrinsic merit, can be only utilized in this way. And I recommend that you memorialize Congress for a grant of land to be used, under proper restrictions, for the purpose of irrigating and completing this great work.

Centennial Celebration.

By the authority of an Act of Congress, entitled an "Act to provide for celebrating the One Hundredth Anniversary of American Independence, by holding an International Exhibition of arts, manufactures and products of the soil and mines, in the city of Philadelphia, and State of Pennsylvania, in the year 1876, approved March 3, 1871," I nominated, and the President of the United States appointed, one commissioner, and one alternate, to assist in superintending the execution of a plan for holding the Exhibition, and to fix upon a suitable site, within the corporate limits of the said city, where the exhibition shall be held. No provision is made; by the Act of Congress, for the compensation of the commissioners, for their services; but express provision is made that they shall not be paid from the Treasury of the United States. The duties of these Commissioners will be arduous and expensive; and as it is desired that Utah shall take a prominent part in this Exhibition—an honorable pride in which every citizen can claim an interest—to the end that her Commissioner can give special attention to his duties, in the collection and transmission of the products of field and mine, without pecuniary loss to himself, I recommend that an appropriation be made sufficient to meet all necessary expenses connected therewith.

Finance.

The financial condition of Utah is all that can be desired. For further information upon this subject, you are respectfully referred to the reports of the Territorial Treasurer, and Auditor of Public Accounts, herewith transmitted.

Secretary's Fees.

Section 2 of the Organic Act requires the Governor to commission all officers who shall be appointed to office, under the laws of the Territory. This imposes a heavy burden upon the Secretary of the Territory, who has to issue these commissions. No provision is made, whatever, for his compensation. This is unjust. I recommend that a liberal fee be allowed him for such service, and that the persons commissioned be made to pay the same.

Territorial Officers.

Section 7 of the Organic Act of this Territory, provides, among other things, that "the Governor shall nominate, and, with the advice of the Legislative Council, appoint all officers not therein (herein) provided for," other than township, district and county officers.

The Act of the Legislative Assembly, approved March 6, 1852, providing for the election by the Legislative Assembly, of Notaries Public; also, the Act approved January 18, 1861, providing for the election, by the Legislative Assembly, of a Territorial Treasurer and Auditor of Public Accounts; also, the Act approved January 17, 1866, providing for the election, by the Legislative Assembly, of a Territorial Librarian; and also the Act approved January 19, 1866, providing for the election, by the Legislative Assembly, of a Superintendent of Common Schools, are in conflict with the 7th Section of the Organic Act, just referred to.

Notaries Public, Territorial Treasurer, Auditor of Public Accounts, Territorial Librarian, and Superintendent of Common Schools, all belong to that class of officers to be "nominated by the Governor." I think you will agree with me, therefore, that any election of such officers, without the "nomination of the Governor," would be clearly illegal. It is not my purpose to make innovations upon long-established usage, when it can be avoided, consistently with my duty; but I respectfully suggest, that each of the Acts enumerated be so amended as to conform to the Organic Act, and thus render impossible any conflict between the Executive and Legislative Department of the Government.

In presenting this brief summary of the condition and wants of the Territory, doubtless much that is important has been overlooked, but it is your duty to extend a helping hand. I trust that a spirit of harmony and good feeling may preside over all our deliberations, and that much good may be done for the Territory.

Conclusion.

In conclusion permit me to assure you that in every effort to promote the general welfare; to develop the varied resources of the Territory; to make more secure the rights and liberties of the citizens; to disseminate universal education, and to secure a pure and rapid enforcement of law, without which no community can prosper, you shall have my hearty co-operation.

GEO. L. WOODS, Governor.

DEEDS.

At Mansfield, November 21, HANNAH, wife of Robert Bentley, aged 52 years.—*Mill Star.*

At Dunfermline, Nov. 7, JOSEPH SMITH, infant son of James and Janet Hoggan, aged 29 days. Also, December 1, of disease of the hip joint. John R. Hoggan, third son of the same, aged 8 years, 1 month, and 22 days.—*Ibid.*

At Wakefield, Yorkshire, Oct. 6, after nineteen weeks' severe suffering, JOSEPH PARK, aged 67 years.—*Ibid.*

At Streethouse, near Wakefield, Yorkshire, October 22, WILLARD RICHARDS, son of Thomas and Jane Hale, aged 1 year, 1 month and 7 days.—*Ibid.*

In Salt Lake City, Jan. 8, of small-pox, MARY GARET, daughter of Henry and Elizabeth Kelley Cumberland, born in Salt Lake City, Dec. 13, 1854.
Mill Star, please copy.

In Sagar House Ward, at ten minutes to 7 o'clock on Saturday evening, 6th inst., ELLEN, wife of Mr. Henry Liversidge, and only daughter of Thos. Binnington, Esq., of St. Louis, Mo., aged 35 years and 11 months.

She embraced the gospel in the Spring of 1866 in St. Louis, and gathered with the church in the following year.

She leaves a husband and many relatives and friends to mourn her loss. It can truly be said of her, "She lived and died a Saint."

She's gone in the faith of the gospel,
Her troubles and trials are o'er,
She is waiting with pleasure to greet us,
On Heaven's thrice glorified shore.

St. Louis papers, please copy.

MRS. G. A. A.