may be deemed expedient and adapted to the varied wants and manifold interest of the people.

is needful and proper.

4, Chapter 1 of an act concerning the Judiciary.

The report of the Chief Justice it is proper to say is merely a memorandum from which he intended to compile a more elaborate and formal report. In his absence I have thought proper to place it before you, knowing it contains suggestions worthy of, and which will un-doubtedly commend themselves to, your attention and consideration.

The report of Associate Justice Hawley has been prepared with great care and will be found to contain many valuable suggestions.

FINANCE.

a prosperous and healthy condition. The law governing corporations and

the legislation which in my judgment and energy of the people, awaiting only the proper legislation which shall sound I have the honor to lay before you the reports of the Territorial Auditor and Treasurer and also that of Chief Justice Wilson and Associate Justice Hawley, which are required by Section corporation law, pursuant to the Act of Congress of March 2nd, 1867, and also of an Act authorizing the formation of limited partnership. The benefits aris-ing from corporations, in the consolidation of means for the attainment of objects beyond the power of individual effort are so manifest as hardly to require, at this day, any argument to enforce the utility of such institutions. From the earliest times have these advantages been recognized and utilized by the wisest legislators, and in modern days incorporations for the accomplishment of great public ends have become a part of the legislation of every civilized State. With proper checks, limitations and safeguards to protect the rights of From the reports of the Territorial the people, they are justly regarded as Auditor and Treasurer it will be seen essential to the well being and contin-

presenting as they do the unusual fact defining their rights and privileges has that the Territory is entirely free from been digested by the wisdom of ages, debt; a condition not only gratifying in and it is, therefore, not an untried or itself but almost without a parallel in uncertain field of legislation which is

THE EVENING NEWS. In contrast, a population, industrious and generation without money and generation are assured to all the rising generation without money and generation are assured to all the rising generation are assured to all the rising generation without money and generation are assured to all the rising distance and the people area. The public the rising area distance with a port of the Legislature Assembly. In the rising generation of the regislature and the poople area and the people area and the rising grant the rising generation area assembly. If is but proper that I all the legislature and the people area area and the resonance with approved presend the rising generation of the regislature at a che security to community that the regislature at and here for mission of measures area and the resonance and the resonance area and resonance the rising of the resonance and the resonance area and resonance area and resonance area and resonance area and resonanc monstrated that, when once a complete system of irigating ditches and canals has been established, agriculture can be more cheaply and profitably carried on, because more certainly pursued, than in countries subjected to the exigencies of flood and drought. The Jordan Provo terest of the people. It is a source of regret, no less to me than to your honorable body; that the unlooked for absence of the Governor has devolved this duty upon me with so limited a notice as to make it im-possible for with jus-tice to you. Under these circum-tice to you a markind before yo the re-tice to you a markind before yo the re-tice to you a more than lay before yo the re-tide for, it could be furnished to the distribution of water once pro-tice to you to the youth of this Territory. It has the distribution of water once pro-tice to you to the world an enemy to mankind the distribution of the topic references the distribution of whier ones pro-do more than lay before yos the re-ports of the several Territorial officers whose duty it is to report through me to your Honorable Body, accompanied by a few general suggestions in relation to the condition of the Territory and or faith except that sound morality and as I believe disgraceful custom. which teaches "that we should not do unto others that which we would not that others should do unto us."

CIVIL AND CRIMINAL CODES.

The forms, usages and practices of the common law are necessarily elaborate and technical. It has been found conducive to the advancement of justice to avoid as far as possible all the technicalities of the common law in its division of actions. To this end the legisla-tures of most of the States of the Union have passed what are known as civil and criminal codes of practice. These codes abolish the distinction of forms in action and technicalities in practice, and avoid as far as possibe those labyrinths of the law, which are too often Auditor and Treasurer it will be seen essential to the well being and contin-that the finances of the Territory are in ued advancement of every community. dicial business under, and exemplified case." the utility and wisdom, of that system leave off, the common law begins, and that in such cases; the courts are obliged termination of those questions which should be plainly written down in the statutes. WITNESSES. Modern experience I think has dem-onstrated that the ends of justice are best subserved by allowing all parties, whether interested or not, to testify in This statute is necessarily nugatory their own behalf in both civil and crimas no court of justice would refuse to lisinal cases; thus enlarging the sphere of the jury and leaving them to determine as to the credability of witnesses. In civil cases this course helps to facilitate business. The careful and shrewd busindebted to the past for that perfection which it has attained in the present. Legislation might as well attempt to forbid the physician to become eniness man in the conduct of affairs sees to it that his contracts are reduced to writing or are susceptible of proof by disinterested witnesses; but the less wary are too often negligent in their matters are too often negligent in their matters and not unfrequently a good cause is lost and justice herself perverted be-cause under the existing law the truth cannot be told. Thus in the tribunals of the land are the unskillful and igno- create a sneer of derision. Another law rant, and for that reason perhaps the more unsuspecting, sacrificed to the shrewdness of a more crafty opponent and the rigorous rule of the law. The idea embodied in the common law, that a person, however true in his manhood, is unworthy of credence by reason of a mere nominal interest, no matter how science of medicine has made great prois unworthy of credence by reason of a mere nominal interest, no matter how alight, when testifying under the so-lemnity of an oath, is but the relic of a ruder and less generous age, and un-worthy the progress of the 19th centu-ry. The jury should be left to deter-mine the reliability of each witness from the schillful combination of these and other his appearance on the stand and all the circumstances surrounding each case. In many capital cases when the de-ceased and the accused are the enly par-that the present Legislature by a careful ties to the affray, the testimony of the revision will erase them from the laws of the Territory. by the enactment of suitable laws.

unguarded moment, oppressed by the unkind throws of fortune and unsus-

DEPUTY OFFICERS.

It is desirable that you should pass a law authorizing the clerks of the several courts, and county recorders to appoint deputies. While I believe that no persons should hold official positions who are not at once competent and willing to perform the duties thereof; yet there are times when through unavoidable absence or sickness the prin-cipal is unable to attend to his official duties. At such times it would be a matter of convenience both to the officer and to the public if the law authorized the appointment of deputies.

REPEALING LAWS.

By section four, chapter eight of an productive of no good, and only tend act relating to attorneys it is provided: to mystify and encumber the progress of justice. The State of New York-a sel in any of the courts of this Terri-State which is an empire in itself and tory shall be compelled by any process whose commercial transactions are far of law to pay the counsel so employed greater than those of any other State in for any services rendered before or after

In all civilized countries attorneys of legislation which made a civil and are recognized as officers of the court. criminal code part of its public laws, It would be equally unjust not to allow since which time a larger portion of the judges salaries or jurors compensation NOW mon country. In congratulating you upon this flattering condition of affairs I need hardly add that it reflects great credit on those who have had the administration of the finances of the civil government throughout the Ter-States and many of the Territories prof- for their services. The profession of the administration of the finances of the spirit or the hope of gain, to invest a civil government throughout the Ter-ritory. So far as I have been able to in-form myself the affairs of all the coun-ties in the Territory are in a like credit-able condition. of our own. I would in this connection their wisdom, prudence and fore necessarily be left to others. Through suggest the examination of the code of thought. In our own country they the agency of corporations most of the the Stateof Nevada, as being one in ma- have numbered among them such high The general prosperity of the coun-try and of the Territory is a subject of congratulation. Peace and plenty smile throughout the land. The crops of the Territory have been with but for a people whose interests in many re-spects are similar to our own. The en-to deprive them of their rights is as untire legislation of this Territory is com-prised in a small volume, which in or-ways will be found to be nugatory and dinary States is hardly equal to the leg-islation of a single year. Perhaps this has arisen from the mistaken idea that be wiped from the statute books.

age in which we live.







WEDNESDAY, JAN. 12. 1870, The Utah Central Railroad, which is







1850.

1869

THE:

CEORCE Q. CANNON, EDITOR.

PIONEER PAPER OF THE ROCKY MOUNTAIN COUNTRY.

THE

EVENING •



THE TERRITORY,

And has advantages which commend it to all who desire to get the news oftener than once a

THE DESERET NEWS

WEEKLY,

able condition.

The general prosperity of the counslight exceptions abundant, offering new and continued proofs of the rich-ness of the soil and its adaptability to

RAILBOADS.

Legislature, the Pacific Railroad, per-haps the most stupendous work of science and of art the mind of man has conceived and his energies consummat-ed, has been completed. Excessing all Since the adjournment of the last precedent in the rapidity of its construction across plain, over mountain, through cafion and valley; dofting the hitherto almost uninhabitable wastes with prosperous towns and villages; interiace the valleys of the Territory. The mighty strides in progress already acheived, bringing the Territory from comparative isolation into contact with the great marts of the world cannot fail to work many changes in the con-fail to work many changes in the con-terseive, the fostering care of friendly legislation, and would be greatly accel-tor to receive, the fostering care of friendly legislation and would be greatly accel-tor to any the framition of the set of the world. The figure are better enay for the people of Utah to discover and demonstrate to the world, the fichness of her soil; it remains for them now to more fully develope her no less exten-more fully develope her no less exteninterlace the valleys of the Territory.

graphs are constructed, canals and irri-gating ditches are dug, factories are run, mines are worked, schools and agricultural and grazing purposes, al-though in the counties of Cache, Iron and Washington the ravages of the ation law would have a great tendency grasshoppers have, to a great extent destroyed the crops, still it is gratifying to know that there is no suffering among the mass of the people. opment of the mines. There is no place in the United States where the influx of to resort to its technicalities for the decapital would so materially increase the

fortresses of nature.

Through a system of immigration, as novel as it has been efficient, large numbers of foreigners have been induced to come to this country. Most of them at spanning a continent with its iron bands and connecting the civilization of the growing west with the teeming millions and golden commerce of the far off Indles; it cannot fail in such an age as ours, to prove the prolific mother of programs and improvement. If about a programs of the lete approximate progress and improvement. If should and true progress. At the late annual be a source of pride to the people of this Territorial Fair there were on exhibibe a source of pride to the people of this Territory that they have contributed not a little by their well directed ef-forts to the completion of this great work. The Utah Central Railroad Company, organized pursuant to the act of February 19th, 1869 already con-nects the capital of the Territory with this great trans-continental highway and it needs no spirit of projhecy to fortell that the day is near at hand when, stretching to the South far across the great Rocky Mountain snow belt, it will find a terminus where the glittering blue of the Gulf of California hushes the turbid waters of the Colora-do. From these mighty branches will shoot forth others which will date and interlace the valleys of the Territory. of its artizans; cocoons and spun silk, warranting the belief that manufactur-ed silk will ere long be one of the ex-

you at an early period of your session, to the end that should there be any dis-

Section one of chapter two of an act concerning the laws of Utah provides: "That no laws or parts of laws shall be made, argued, cited or adopted in any court during the trial of any case, except those enacted by the governor and Legislative assembly of this Territory and those passed by the Congress of the United States when applicable, and no reports, decisions or doing of any court shall be read, argued or adopted as a precedent in any other trial."

D. O. CALDER, Ticket and Freight Agent. This statute is necessarily nugatory

fession and science and like other pro-fessions and sciences it is almost wholly

Hollow Ware, Tin Ware, &c.



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