

SUBJECTS FOR LEGISLATION.

The Governor's Annual Message is now before our readers, and they have an opportunity of judging for themselves of its merits. It is a plain, straightforward, good document, and bears the impress of its author's mind. We could not expect any other kind of a Message from him, for Governor Durkee is a man whose course, since his arrival in the Territory, has been such as to cause him to be universally respected by the people, and his suggestions will be listened to with respect.

The condition of our Territorial finances is made a subject of congratulation. Every inhabitant of our Territory should feel proud of the manner in which our finances have been managed. "Utah is, I believe, of all the States and Territories of our Union, alone, in being entirely free from indebtedness." This is one of the greatest compliments, in this age of extravagance and corruption, which the Governor could pay to the Legislature. In the address of the newly elected Mayor of the rich city of New York, delivered on the 6th inst., he stated that the city and county debt amount to forty-three millions, eight hundred thousand dollars! A stupendous debt even for a rich city and county to be under. It would not be so discouraging, however, if retrenchment were practiced, and the debt were being lessened; but there are no hopes of this. The Mayor states that the debt has increased five millions within a year. A hopeless prospect truly for its liquidation! It is not considered polite to institute comparisons; still, they are sometimes very useful in bringing truths home to those to whom they are addressed. Our people are comparatively poor. Being in a new country, with a great amount of improvements to make, the want of funds to be used in Territorial, county and city capacities, has been very pressing. Yet the Territory is free from debt; and this city and county, and the other cities and counties in the Territory, are in the same blissful condition.

The subject of Town Sites, to which allusion is made in the Message, should receive the careful attention of our Legislators. "An act for the relief of the inhabitants of cities and towns upon the public lands," commonly known as the Town Site Law, was passed by Congress, and was approved March 2nd, 1867. In previous articles we have called attention to this law, and explained its provisions. After the land, occupied as a town site, is entered, (either by the corporate authorities, in an incorporated town, or by the judge of the county court, if the town is not incorporated,) at the proper land office, and at the minimum price, in trust for the use and benefit of the several occupants thereof, the legislative authority of the Territory has to prescribe the necessary rules and regulations for the execution of that trust, as to the disposal of the lots in such town and the proceeds of the sale thereof. This is made the duty of the Legislature by the Act of Congress, and it is so important that it should receive early attention, and it no doubt will.

The want of a public Museum is much felt here. Our elders travel through a great many lands, and see and collect many objects that would be exceedingly interesting to the people at large, if they could be gathered and placed in a Museum. A great many native curiosities, and mineralogical and geological specimens from various parts of our Territory have been collected by one

and another; but there being no place in which they could be deposited, they have been scattered and lost, and nobody has been benefited by them. Before the move south was made, President Young had a fine collection of curiosities and specimens; but, in moving, they were lost sight of, and are now scattered. In educating our young people in the sciences, which it is proposed to do, a mineralogical cabinet would be very useful and instructive. In fact, the want of it would be much felt. If the Legislature would take the matter in hand, and establish a Museum, and give the institution their countenance and support, we are of the opinion that in a short time a very respectable collection could be made. The entire people would be interested in securing everything curious and noteworthy, and many of our citizens who already have small collections of curiosities, &c., which they have picked up in their travels, would gladly contribute them to a public Museum. This subject is worthy of the thought and attention of the Legislature.

We have heard it suggested also that the name of Richland county might with great propriety be changed by the Legislature to Rich county. The county was named, we presume, after General C. C. Rich. If so, Richland conveys no such idea; but if it were called Rich, it would. Such a change, we have reason to believe, would, as well as being appropriate, be very acceptable.

While on the subject of names, we think the name of our own city might be changed to advantage by dropping the word *Great*, and calling it *SALT LAKE CITY*. In consequence of the length of the name, the habit has been fallen into of calling it *G. S. L. City*, which is both unintelligible, especially to people at a distance, and objectionable. Far better to have a name that will not be too long to write. *Salt Lake City* will be short, and still be expressive. Our city is already widely known by that name throughout the Territory and in other places. In fact, it is the generally received name. If the Legislature would make this alteration by law, it would be received with favor and general satisfaction.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, Utah Territory,
Great Salt Lake City,
January 13th, 1868.

Gentlemen of the Legislative Assembly:

Before proceeding to suggest to you such measures as seem to me suitable for Legislative action, it cannot but be appropriate for me to congratulate you upon the constantly improving condition of our national affairs. Upon emerging from the terrible civil war which for years had tasked to the utmost our national energies, various new and intricate political problems suggested themselves for consideration and decision. In the new questions thus arising we were entirely without precedents for our guidance. It is not to be wondered at, therefore, that among those statesmen equally solicitous for the public weal, there should arise vital and irreconcilable differences of opinion. Such differences of opinion have doubtless, in some measure, impeded the progress of reconstruction. At the same time such delay has given opportunity for a full and candid discussion of the conflicting political theories, and the people, the tribunal of last resort, have become more fully qualified for the rendition of a final and righteous judgment.

We should be faithless and blind indeed did we believe that the Benign Father, who has so signally manifested His protecting care over us in the years that are passed, would now withhold His all-powerful guidance; or did we doubt for an instant the thorough loyalty, intelligence and constancy of the people.

During the past year a most satisfactory reduction has been made in the volume of our national indebtedness, and our ability to speedily liquidate and

cancel such indebtedness has been fully demonstrated.

Questions relating to national finances must necessarily require much attention and discussion for many years. The views of our Chief Magistrate and his Minister of Finance, advising a reduction of our redundant paper currency and an early resumption of specie payments, are such as must commend themselves to all disciples of sound systems of finance.

During the past year also our neighboring republic of Mexico, by the expulsion of foreign troops from her soil, has virtually put down the last armed offshoot of our own civil war. While we can not but lament the blood-thirsty outrages which followed the triumph of the national arms, yet much must be pardoned to the feelings of an excitable people goaded to frenzy by the long endured exactions and tyrannies of a foreign and detested power.

TERRITORIAL FINANCES.

I transmit herewith for your consideration the Annual Reports of the Territorial Auditor and Treasurer. Also the Adjutant General's Report in relation to the extent and condition of the Militia of this Territory. Utah is, I believe, of all the States and Territories of our Union, alone, in being entirely free from indebtedness. In this respect our condition is a subject of congratulation. The policy of never living beyond one's means is as admirable in Territorial as in individual affairs, and the wisdom of your predecessors in this regard, can not be too highly commended.

PENITENTIARY.

I have several times observed the prisoners sentenced to our Penitentiary engaged in laboring upon the highways and wearing a ball and chain as a safeguard against attempts at escape or rescue. While the policy of compelling all prisoners to labor with diligence is one which meets my cordial approval, I question whether thus exposing them to public gaze and frequent execration, bearing upon them the symbols of their disgrace, is not calculated to render the prisoners hardened in morals and insensible to public opinion. The true end of all punishment—the reform of the prisoner himself, thus fails of accomplishment. In my opinion some system should at once be devised and adopted whereby prisoners should be kept at labor within the walls of the place of their confinement.

COMMISSIONERS OF DEEDS.

No statute seems to have been passed relative to the appointment of Commissioners of Deeds, to reside in other States and Territories. The services of such officers are often almost indispensable in commercial, legal and real estate transactions, and legislation should be had relative to their appointment during your present session.

TOWN SITES.

You have already twice petitioned Congress to donate the proceeds of Town Sites within the Territory to the fund for the support of common schools. At its last session a law was passed by Congress virtually granting the prayer of your petition. By this law the town authorities may enter the land at the price of \$1.25 per acre in trust for the occupants of the same, but may fix the price at which the lots shall then be conveyed to the real owners. The difference between the two prices may thus form a school fund of considerable magnitude. Steps have already been taken to perfect the title to the site of Great Salt Lake City, and the land will undoubtedly be conveyed to the Corporation during the present season. In view of this fact it will become your duty during your present session to enact such laws as are necessary to render operative and effectual the law of Congress.

Provision should be made for the adjustment of conflicting claims to the same property; also where persons have interest in property by way of lease, mortgage or otherwise, for fully protecting such interests.

There having been heretofore no legal titles to lands within the Territory, no legislation relative to real estate has been deemed necessary, but at the present session full provision should be made for the conveying or encumbering of real estate or any interest therein, for dower rights therein if it were deemed best to grant such rights for the taxation of real estate, etc.

STATUTE OF LIMITATION.

No laws limiting the time within which civil actions may be brought have been, as yet, enacted. Such statutes operate most advantageously in the prevention of litigation after a reasonable time has been allowed a party to assert his rights, and also render litigation much less vexatious, dilatory and expensive,

by requiring actions to be brought within a period, where, in most instances, the evidence would be comparatively fresh in the memories of the witnesses. I trust that this matter may receive attention during the present session of your body.

RATES OF INTEREST.

Experience has demonstrated that all laws whereby rates of interest for the loan of monies are sought to be fixed, are worse than useless; that the price of money, as of any other commodity, is best left to be governed by the universal law of supply and demand. At the same time it is desirable that where no specific agreement be made between the parties, the rate should be fixed by law. Much controversy and litigation would thus be avoided, while the just rights of no persons would be affected thereby.

CORPORATIONS.

No law at present exists relative to the formation of Corporations or Joint Stock Companies. A special act of the Legislature is necessary for the organization of such companies. Much trouble to yourselves would be avoided and greater simplicity and uniformity secured by the enactment of a general law under which Corporations, and Joint Stock Companies might be formed, and by which the rights, powers and liabilities of the stockholders should be precisely defined and guarded.

LIMITED PARTNERSHIPS.

By the common law of Partnerships the entire separate property of each partner is liable to be taken in payment of the partnership liabilities. This rule has a tendency to prevent men of means from engaging in many meritorious enterprises, the management of which must be entrusted to less experienced and responsible hands. To obviate this difficulty laws have been enacted in many States whereby the liability of a partner is limited to a certain fixed sum, due notice of the limited character of his liabilities being given in a manner fixed by the Statute. I would respectfully suggest the passage of such a law by the present Legislature of the Territory.

LIEN OF MECHANICS AND OTHERS.

In many of the States laws exist giving to mechanics who perform labor in the erection of buildings, or to merchants and others who furnish materials for such buildings, a lien upon the building and land upon which it stands for the labor so performed or materials so furnished. Such laws are found to operate most advantageously to all parties, and I would suggest that a similar statute be enacted by you at the present session.

CATTLE DRIVES.

It is the usage at present for all cattle running at large to be annually collected at some point in each county for identification. Much complaint is made by persons having small droves of cattle which they themselves watch or have herded, at being obliged to drive their cattle to the general rendezvous and bear a proportion of the expenses of such collection. I am not sufficiently familiar with this subject to suggest for your consideration any specific relief, but call your attention to the matter in the hope that you may be able to devise some method of remedying the evil complained of, without impairing the efficiency of the present system. In any event it would be advisable to have the cattle drives regulated by some statutory enactment, rather than by custom, which may be capable of as many interpretations as there are interested parties.

CODE OF PROCEDURE IN CIVIL ACTIONS.

Heretofore the people of this Territory have been almost isolated from the world. Their commercial transactions have been comparatively limited, and from their imperfect titles to real estate, transactions therein have been few and simple. You are now, however, about to experience a great transition. The rapid approach of that marvel of our days, the Pacific Rail Road, will virtually transfer you from the outskirts to the center of our continental civilization.

Commercial, agricultural and mining enterprises will be prodigiously stimulated and enlarged. Transactions in real estate will become more numerous, intricate and imperfect.

Heretofore litigation has been unfrequent, and the few legislative enactments relative to civil actions have perhaps sufficed for the requirements of the people. This condition of affairs is, however, now nearly at an end. With the rapid increase and development of business, numerous controversies must arise requiring the intervention of the courts, demanding more ample and explicit enactments for the speedy rendition of justice.

I would respectfully urge upon you the great importance of the adoption of