

## THE WOMAN-HATER.

I will not wait on a woman's caprice,  
Nor be the slave of a whim;  
I never will sell my bachelor peace,  
Nor idly my liberties, large, release  
For the marriage yoke so grim.

I never will stoop for a woman's love;  
The oak still waits for the vine  
Which struggles and climbs to the heights  
above,  
And, after long years it patient has strove,  
About its straggling trunk may twine.

'Tis well. When your oak is struck at its  
root,  
And dry and withered and dead,  
No vine will wreath it with blossoms and  
fruit,  
Nor foliage green, nor sweet tendrils will  
shoot,  
Nor grapes for the vintage spread.

Nor will singing birds come, with twitter  
sweet,  
To build in the leaves of the vine,  
From the harsh old oak they will swift  
retreat  
To hide in the clustering vine at your feet;—  
Perhaps for their song you may pine.

You may miss the vine that loved you so  
well,  
That glad would have worshipped you;  
You may think of its grapes that so gener-  
ous swell;  
You, weary, may long for the musky smell  
Of its wine so warm and true.

Meanwhile, no woman will cumber your  
path,  
Nor burden you mid life's strife,  
Nor with foolish fondness a ache your  
wrath;  
But when you are come to life's aftermath  
You may wish that you, too, had a  
wife.

—A. Y. Graphic. E. E. F.

## Correspondence.

## The Veto Power.

SALT LAKE CITY,  
Feb. 17th, 1874.

Editor Deseret News:

In a short article in the NEWS a few days ago, the gubernatorial veto power was called in question. Since that time nothing has appeared controverting the position therein assumed—that the Organic Act of the Territory conferred no veto power upon the Governor. It is true, that position and accompanying brief argument have been ridiculed, but ridicule is not argument, nor is it, at best, more than a very poor, hollow, unsatisfactory, and inadequate substitute for argument.

I have heard people deplore the existence of the absolute veto power exercised by the Governor, but if they go to the Organic Act, to see what justification is therein furnished for the exercise of such a power, they will discover, so far as that Act is concerned, that the Governor has no authority to assume absolute veto power, that he has no authority to assume any veto power at all, that all the veto power which he can derive from that Act comes of his wilful neglect of duty plainly specified. Certainly, failure to perform a plain duty is the most complete and absolute of all vetoes, so far as the effects of such defection are concerned, but it is an entirely unjustifiable and highly censurable assumption of power, negative power, by dereliction.

This is rather a startling conclusion to come to, but it appears to me to be unavoidable, and consequently the free and ostentatious use which has been made of this veto power one can regard in no other light than that of an unwarrantable usurpation, if the Organic Act is to be considered the source of the veto power.

I will go to the Act. The second section says the Governor "shall approve all laws passed by the Legislative Assembly before they shall take effect." This is the only passage that I can find, in the Act, referring to the Governor's approval of the acts of the Legislature, and upon this slender basis what is termed the absolute veto power rests. The more one considers this, the more, changing the figure, one is likely to exclaim, Great heavens, on what a slender thread hang such stupendous things!

The Act says the Governor "shall approve all acts passed by the Legislative Assembly before they shall take effect." The Governor's approval, which means here his official signature to that effect, shall be given to all laws passed by the Legislative Assembly before they shall take effect, or become law. That approval shall be given, and,

after that approval has been given, by unavoidable implication the acts shall become law, or the laws shall take effect.

Now, upon the strength of that line in the Organic Act, what does the Governor proceed to do? He takes upon himself to approve such acts, passed by the Assembly, as he pleases, and to disapprove the rest, sometimes the disapproved ones exceeding the number of the approved ones. With his disapproval he also sends a message to the Legislature, and sometimes also takes occasion to improve the opportunity to lecture the members because they do not adopt his suggestions. Is not that a rather tall piece of presumption? Can the Governor show the first word in the Organic Act that requires him to send a message to the Assembly at all, upon any occasion? I can not find the first reference in that Act to the Governor being required to do any such thing. It is true, he is not forbidden to do it, but, so far as the Organic Act is concerned, he is not required to do it, the message business therein is ignored, and consequently it is left as a mere matter of courtesy, discretion, and accommodation between the Governor and the Assembly. If he sends a message to the Assembly, it may therefore be fairly presumed to be at his own election and merely to aid in the dispatch of public business, but he is not obligated by organic law to send any such message—he is merely required to approve all laws passed by the Assembly.

The President of the United States is expressly required to send messages to Congress. The Constitution says—

"He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

Thus the President is authorized and it is made his plain duty to send messages to Congress. But the Organic Act of Utah makes no such requirement of the Governor of the Territory. The President is also required, by the Constitution, when he disapproves of an act of Congress, to return it, with his objections thereto, to that body. But the Organic Act does not give the Governor of Utah the power to disapprove the acts of the Legislative Assembly, consequently there is no provision in that Act for him to inform that body of his reasons for disapproval.

The word *shall*, in the person in which it is used in the passage in question from the Organic Act, plainly implies duty, obligation. It is the plain duty, therefore, of the Governor to approve all acts passed by the Assembly, he is under obligation to do it, the Organic Act requires it at his hands.

Where, then, is the veto power? Where is the absolute veto power? Where is the justification for the option which the Governor takes either to approve or to disapprove, as he pleases? That's the question. If he has any such authority, he does not derive it from the Organic Act.

Some persons refer to the veto power of the President of the United States, and reason that a Governor should have a similar power. But that is nothing to the question. The Constitution of the United States expressly provides for the veto power of the President thereof, and lays down the duty of Congress in case of the exercise of that power, so as to render one man, the President, incapable of blocking the wheels of legislation against the will of Congress. Here is what the Constitution says upon the subject—

"Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the

journal of each house respectively. If any bill shall not be returned by the president within ten days (Sunday excepted) after it shall have been presented to him the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

"Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except in a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill."

But the Organic Act of this Territory confers no veto power upon the Governor. On the contrary the Act actually denies it, and therefore contains no provision for the action of the Legislature in case of veto.

It may be urged that the word *shall*, in the passage quoted from the Organic Act, is permissive, and means *may*. But that can never be allowed. If the word *shall* means *may*, why was it not written *may*? If the Governor *may* approve, then he *may* fail to approve. If the passage means the Governor *may* approve all laws passed by the Legislative Assembly before they shall take effect," the inference is inevitable and therefore undeniable that he *may* or *may not*, just as he pleases, and it does not matter a fig which way his choice goes, because if he *may* approve them before they shall take effect, he *may* also fail to approve them before they shall take effect, and consequently in this case the affirmative or the negative, the active or the passive, on the part of the Governor, will have precisely the same virtue, will amount to exactly the same thing, and that is—nothing at all.

It is truly a big assumption to say that *shall* approve means *may* disapprove, or *may* fail to approve. Such an assumption can in no wise be sustained, unless the rule supposed to prevail in law prevails also in law—the rule of contrary, that an affirmative means a negative and a negative an affirmative, that yes means no and no means yes, that duty means option and option means duty, that obligation means permission and permission means obligation. Otherwise, I cannot conceive how, by any possible method or stretch of constructive interpretation, by any mysterious intellectual legerdemain or wonderful sleight of pen or tongue, the obligatory "he shall approve" can be made to mean the permissive "he may disapprove." In my opinion, the most ingenious torturing of language would fail to make that transformation of meaning acceptable, but, if not, then language has no definite or trustworthy meaning, definitions are entirely farcical, and words are mere shuttlecocks, flying from one meaning to its opposite, just as they are banded about by interested parties.

Such a conclusion, however, as this last cannot be entertained, as it would result in anarchy of language, and would reduce all human thought and expression to chaos. We must abide by the evident and accepted meaning of words and phrases. The intent of the law should be taken into consideration, but it must be an intent fairly deducible from, not diametrically opposite to, the text of the law.

I take position on the Organic Act, which the Governor is so fond of quoting, upon that Act as it stands, with such meaning as it may be fairly and rationally, not unfairly and irrationally, inferred therefrom. By no acknowledged method of interpretation whatever, that I am aware of, can that Act be made to mean the exact opposite of what it expressly declares.

The Organic Act says the Governor may grant pardons or reprieves. Here he has discretionary power, he has option to grant or refuse to grant. But it is not so with the veto power. In that regard, the Act gives the Governor no option whatever, but it says he *shall* approve all laws passed by the Legislative Assembly—not one law, not two laws, not half a dozen, not a portion of them, not such as he chooses, but all. All does not mean merely three fourths, or half, or one-fourth, or a part, but every one, without a solitary exception. The Legisla-

ture may pass or not pass certain laws, but, when passed, the Governor shall approve, not disapprove, not veto, all of them. He *shall* approve, not *may* disapprove. Of course he can fail to approve, so can any other officer or man fail to do his specified duty, but America expects every man, and especially every official, to do his duty, not to slink out of it, not to fail to do it, and then boldly attempt to justify himself in his dereliction. A Governor who neglects to do his duty is not fit to be a governor, and so far as that particular duty is concerned he is no longer governor, for he virtually puts himself out of office, abdicates it, decapitates himself, commits official suicide, becomes an official *felo-de-se*.

Yet, strange to say, the Governor does take this organic prohibition of the veto as a conferring or authorizing of the veto power, this obligation to approve as a permission to disapprove, or to fail to approve. Was there ever such inconsistency elsewhere? The Act reads that the Governor *shall* approve, but he reads it that the Governor *shall* disapprove whenever he thinks proper. What an unfounded assumption, to be sure!

The Organic Act, in defining the duties of the Secretary of the Territory, has the following language—

"He shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and at the same time two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress."

Is the Secretary here given any option in regard to the performance of these duties? Can he please himself whether or not he records and preserves all the laws and proceedings of the Legislative Assembly and all the executive acts and proceedings of the Governor? Can the Secretary please himself whether or not he sends a copy of said laws and executive proceedings, on or before December 1st in each year, to the President of the United States, and, at the same time, copies of said laws to the Speaker of the House of Representatives and the President of the Senate? No, most assuredly not. In these duties the Secretary has no choice. He *shall* record and preserve all the laws and the legislative proceedings, and gubernatorial executive proceedings, he *shall* transmit one copy of said laws and said executive proceedings to the President, and two copies of said laws to the Speaker of the House and the President of the Senate, on or before a specified time each year. The Secretary is under obligation to record all said laws and proceedings, and transmit copies of the same, as here stated. It is his express official duty.

Precisely the same language is used concerning the duty of the Governor to approve all laws passed by the Assembly. He *shall* approve them. He has no mere option or choice in the matter of approving the laws than the Secretary has in the matter of recording them. The duty of both is expressed in similar language. It is the Governor's express duty to approve all the laws, and the Secretary's express duty to record all of them. Hence, the Governor is no more justified in failing to approve, than the Secretary is in failing to record.

It may be asked, "Is it reasonable to think that Congress intended to give the Governor no discretionary approbatory or disapprobatory power over the acts of the Legislature?" The question is not so much what Congress meant to do, or thought of doing, but what it actually did do. An officer never has discretionary power to do or not to do his duty. Besides, the absence of discretionary gubernatorial power is not a whit more unreasonable than the presence of absolute veto. Is it reasonable that Congress meant to confer upon one man the power to block the wheels of and stop the car of progress and development for a hundred and fifty thousand people, at his option, which option may be decided by personal prejudice or pique, or partizan enmity, or an attack of indigestion or gout, or a fit of religious hypochondria, or even a streak of excessive piety, as piety

often goes? To my mind, if there is to be any absolutism at all, it is far more consistent with the Constitution of the United States, with the Organic Act of this Territory, with republicanism, with American liberty, and with the genius of the American government, that the absolute power should rest with the people than that it should rest with one man imperially appointed to rule over them.

If the President of the United States, who has an expressly provided for and indubitable right of veto, fail to approve or disapprove, within a specified time, any act of Congress, that act becomes law notwithstanding. Thus, even in his exalted case, the analogy is in favor of the position I herein take. This also accords with the Declaration of Independence, that governments among men derive "their just powers from the consent of the governed."

Therefore Presidents, Governors and even Legislatures are but the servants of the people, and in fact it is a fundamental principle of American politics and American statesmanship that the people, and not one man, are the authority of last resort, and that from their verdict and decision there is no earthly appeal.

I maintain, therefore, so far as the Organic Act is concerned, the following—

That the Governor has not absolute veto power.

That he has no veto power at all, except such as arises from his culpable neglect of plain duty.

That it is his duty to officially approve all acts passed by the Legislative Assembly.

That he has no official option whatever in the matter.

That when he disapproves or neglects to approve any act passed by the Assembly, he fails to do his organically declared duty, and thereby subjects himself to the just censure of his superiors.

If the Governor has any valid authority outside of the Organic Act for his veto, let him show the same. Then, as I argue on that Act, I shall have no more to say on the subject; my argument falls to the ground. Otherwise, he should let the times past of his disobedience to organic law suffice, and for the few remaining days of this short session let him endeavor to redeem the time, by faithfully doing his duty in officially approving all acts passed by the Assembly, as the Organic Act plainly specifies is his duty and requires of him, as fast as they are presented to him, otherwise the days may be evil for him, because of his manifest neglect in the discharge of his gubernatorial duty, for of this he will be undeniably guilty. JUSTITIA!

## UTAH AND THE MORMONS.

## LETTER 2

Editor Deseret News.

Dear Sir: In pursuing the investigation of this much mooted question of Mormonism, it may be well for us to inquire a little into the nature of the legislation contemplated in those bills now before Congress; and what the results will be upon Utah and the nation.

Mr. Frelinghuysen has introduced two; Mr. Logan one, Mr. Poland, one; Mr. Sargent, two; and how many more have been introduced we have not yet ascertained. Utah certainly cannot complain of being neglected in the national councils; and if these bills were intended to work out the good indicated in their titles, she would have just cause to be proud of this distinguished attention; but when we reflect that these bills, without exception, are a direct attack upon the Territory as well as upon republican institutions, and calculated to strip the people of the last vestige of civil and religious liberty, it puts another phase upon matters.

It is alleged that the original bill, from which these were taken, (for several of them are nearly duplicates) was gotten up by some parties here. What if it was? There is no necessity for blaming any ring here, or anywhere else. These bills have been before committees of the Senate or House, or both. No matter who are the framers or originators, the gentlemen who introduced them are responsible for them, and so are the committees who sanction or permit such principles, and so are the members of each house, so far as they adopt them. We are not to suppose that the introducers of those bills, nor the members of the