

GOVERNOR'S MESSAGE

EXECUTIVE OFFICE, U. T.,
G. S. L. City, Dec. 11, 1865.

Gentlemen of the Legislative Assembly:

As the Executive of this Territory it becomes at this time, my duty to suggest to you such public measures as in my opinion should claim your consideration at the present session of the Legislature.

Before doing so, however, permit me to congratulate you and the people upon the comparatively peaceful condition of the Republic.

The year which has elapsed since the last session of your body, is the most brilliant in our national annals. A great and deadly conspiracy against the nation's life, has been crushed. It has been demonstrated that the Republic contains within itself the elements necessary to its preservation. The evil cause of the conspiracy has been utterly done away.

The dignity of labor has been nobly vindicated. The manhood, the humanity of four millions of human beings has been demonstrated and acknowledged. The Government by a most solemn obligation taken in the day of our extremest peril, has bound itself to recognize and maintain their freedom.

And with the accomplishment of the patriotic purpose that called it into being, our mighty army, the hereditary terror of a free republic, the frequent means under ambitious leaders of subverting the liberties of the people, has peacefully dispersed, has been absorbed in the industrious and producing classes of our citizens.

These results have been attained too, without pecuniary assistance from other nations. The abundance of our domestic wealth has sufficed for all our wants; our national credit is unimpaired, is even strengthened by the magnitude of our sacrifices.

These great achievements are not attributable to the efforts of man alone; to the wisdom of our statesmen, or to the military genius of our commanders.

Our hopes for the future of the Republic are brightened and strengthened by the conviction that the Benificent Father of all in the hour of our peril has vouchsafed to us His gracious aid; that the God of Nations has guided our counselors; that the God of Battles has given to our chieftains in the field, the assistance of His strong arm. We may confidently hope that in the future, there are for us only the more gratifying victories of peace; conquests in the department of agriculture and commerce, of science and the arts.

DEATH OF GOVERNOR DOTY.

Since your last session, one who was accustomed to advise with you in matters of legislation, has, by a mysterious Providence been removed from his chosen field of labor. On the 13th day of June last, Governor James Duane Doty departed this life. Inasmuch as he was the Executive of this Territory at the time of his death, it is proper and becoming that I should upon this occasion express my sympathy with his family and the people in view of this solemn event.

From a long and intimate acquaintance with the deceased, it gives me pleasure to bear testimony to his superior abilities as a statesman, and to his many virtues as a citizen.

Governor Doty had for a long period, enjoyed the esteem and confidence of his fellow citizens. They had given him prominent positions, both in the State and National Councils, where his services proved creditable to himself, advantageous to his constituents and useful to his country. He was greatly attached to frontier life. He was a pioneer in the settlements of Michigan and Wisconsin, and his predilection was exemplified in a request that his remains should repose in Utah, his recently adopted home.

TERRITORIAL FINANCES.

The annual reports of the Treasurer and Auditor are herewith submitted for your consideration.

By them it appears that the finances of the Territory are in a highly satisfactory condition, all claims upon the Treasury having been promptly met, and there still remaining in the hands of the Treasurer the sum forty-one thousand, eight hundred and fifty-five dollars and twenty-four cents.

TERRITORIAL MILITIA.

Isolated as are the people of this Territory, surrounded by Indian tribes, now happily at peace, but liable on slight provocation to become hostile, a thorough organization of the militia, is in the highest degree important.

By the act organizing the Territory, it is provided that the Governor shall be the commander-in-chief of the militia of the Territory. This is substantially the same provision incorporated in the constitution of each of the different States.

It is not designed to provide thereby, that the Governor shall take actual command of the militia in times of war, or shall personally superintend their organization and discipline in times of peace. As evidenced by the legislation in the different States, the proper construction of the provision is, that a staff, comprising an Adjutant-General and such other officers as are necessary to be provided for the Executive; that reports by all the subordinate officers as to the organization, members, discipline and equipment of the militia be made to the Executive through his Adjutant-General, and that all such reports be preserved on the files of the Executive Office.

An examination of the Territorial laws now in force in this Territory relative to the organization of the militia has satisfied me, that such laws are insufficient to comply with the requirements of the organic act. No staff is provided for the Executive, nor are reports upon the points above indicated made to him for his information and guidance, and for preservation among the records of his office.

I would respectfully recommend such further legislation as shall be necessary to conform the Territorial militia law, to the requirements of the organic act. Upon this being done and the proper statistics on file in the Executive Office, such certificates would form a foundation of a report by the Executive to the Secretary of War, upon the receipt of which he would be empowered to deposit in the Territory for the use of the militia, such arms as were needed for equipment and organization. By this means the efficiency of the militia of the Territory would be greatly promoted.

It may be proper for me to state in this connection, that I have had the pleasure of being present at a review of the militia of Great Salt Lake county, and that I was much pleased with the evident care which had been bestowed on their training and equipment.

COMMON SCHOOLS.

The proper education of the people lies at the foundation of our republican institutions, and is the surest guaranty of their perpetuity. To give to every child within its jurisdiction a suitable education, is the duty of the State. Experience has demonstrated that parents and guardians cannot in all cases be safely charged with the execution of this important trust. Themselves often times illiterate, they are not aware of the priceless value, to their children of an education.

Their poverty also, is frequently an almost insuperable obstacle. It is my settled conviction, that the property of a State or Territory should be taxed to defray all expenses of the education of its children.

The common schools should be entirely free to all.

I am however free to admit, that the time has not yet arrived, when this system can be inaugurated to advantage in this Territory.

The public lands, generously donated by Congress to the Territory for the benefit of common schools, cannot yet be brought into market.

The fact that the legal title to all real estate in the Territory is yet in the general government and such real estate not subject to taxation, causes the burden of taxation to fall unequally upon the people.

A SCHOOL FUND.

Even now, however, something can be done. A commencement of a school fund can be made. All fines, imposed by the courts for a violation of Territorial laws, or city ordinances should be set apart for this purpose. I would suggest the passage of a law requiring each of the judges and justices of the peace having jurisdiction in such cases to make to the Territorial Treasurer, a quarterly report of all fines by them imposed and collected, and to pay over to such Treasurer all money so collected.

The fund so formed should be securely invested, and the annual interest distributed to aid in defraying the expenses of common schools. I would also suggest that Congress be memorialized to perfect the surveys of the public lands within the Territory, to the end that the school and university lands be located and leased until the same can be put into market, and the income thus collected should be distributed in the same manner.

I would also suggest that Congress be

memorialized to devote the proceeds of the sale of all town sites in the Territory to the school fund. In view of the fact that the donations of land by Congress to this Territory for school purposes, owing to the sterile and mountainous character of a great portion of the surface of the Territory, are much less in value than similar donations to other Territories, such additional bounty would seem but just.

From the probable prices at which lots will be sold, I judge that nearly if not quite half a million of dollars, would be realized in this manner, a most valuable addition to the school fund of the Territory and future State.

I should be most happy to unite with you in the presentation of such a memorial and from its intrinsic justice, should anticipate for it a favorable consideration.

TAXATION FOR SCHOOL PURPOSES.

The law passed at the last session of the Legislature relative to common schools gives to the people of each school district, the power to levy a tax of not more than two per cent. to aid in defraying the expenses of common schools. I cannot however resist the conviction, that such law will be of but small practical utility. It is not imperative—it will not be acted upon in those districts where the people are poor, or possessed of little public spirit; the localities where the greatest necessity exists for the fostering care of the Legislature. Such taxation should be imperative and upon a basis sufficiently broad to exclude the influence of purely local interests and prejudices.

A law which should provide for an annual Territorial or county tax, to the amount of one or two dollars for each child, between the ages of four and eighteen years in the Territory, as shown by the returns of the School Superintendent; the proceeds of such tax to be distributed to each school district, in proportion to the number of the scholars therein, upon condition that a proper school be supported in the district for such portion of the year as the Legislature should prescribe, would in my opinion, be eminently wise and judicious; and is perhaps as far as the people of the Territory would be inclined to go, in the matter of free schools until the further action of Congress, relative to the public lands.

No interest which will be before you at your present session is more worthy than this, of your watchful care, and I submit the matter to your consideration, confident that it will receive from you, the attention its importance demands.

THE PUBLIC LANDS.

I have already adverted to the desirableness of an early survey and sale of the public lands.

From the most reliable information within my reach, I judge that the surveys already made by the General Government are so imperfect as to be practically, almost valueless. It would be highly advantageous to the inhabitants of our towns and villages to procure a valid title to their lands. Our farmers should be allowed to avail themselves of the liberal provisions of the homestead law.

A much more substantial character would thereby be given to the commercial and business transactions within the Territory.

Squatter titles, though usually protected by custom and public opinion, are yet subject to be set aside in many contingencies and are at best suited only to the period of the earliest settlement of a country; not to the condition of a Territory so far advanced in agriculture and national wealth as this.

I would therefore suggest that Congress be memorialized for a sufficient appropriation to either defray the expenses of a new survey, or of the correction and perfection of the surveys already made, as shall be found necessary and for such other legislation as shall be required to speedily prepare the public lands for market, and that the President be memorialized to proclaim such public lands subject to entry and sale, at the earliest practicable moment. I should entertain for such memorial at the present time an especially favorable consideration from the fact that our present Chief Magistrate was more instrumental than any other person in procuring the passage of the Homestead law, and is desirous that all actual settlers be allowed as speedily as possible, to avail themselves of its beneficent provisions.

CITY AND TOWN SITES.

Should the memorial last referred to receive a favorable consideration, the period of two years or thereabouts would probably be necessary to perfect such survey and bring the lands into market.

Laws however are already enacted by which title to such real estate as is embraced in city and town sites, can be much more speedily obtained.

By chapter 205 of the general laws of the United States for 1864, as amended by chapter 107 of the laws of 1865, it is provided that the claimants of lands embraced within any town or city site, may procure to be made an accurate survey and plot of such site, copies of which survey and plot must be filed in the offices of the County Recorder, the register and receiver of the land district in which such site is located and in the General Land Office, accompanied with certain statements under oath.

At once upon such filing, the President is authorized to cause the lots within the limits of such city to be offered at public sale to the highest bidder, at a not less price than ten dollars for each lot. Prior to such sale, each actual settler can prove up and purchase the premises occupied by him, as a pre-emption subject to such minimum price.

I would urge upon you the importance of an immediate compliance with the provisions of this law, especially in reference to this city. A new survey should be made of all such lots as have been subdivided since the original survey and plot of the city, and from this and such original survey, a new plot should be made, in which each new subdivision should be separately numbered. In this manner each proprietor would receive a title to his lot, however small, directly from the Government. It is further provided by the law to which I have alluded, that in case of claimants to land within the limits of any city, shall not, within one year from its establishment, make and file such plots, the Secretary of the Interior shall cause such survey and plot to be made at the expense of the Government, and the lands shall thereupon be sold in the same manner. In such case, however, the law is imperative, that fifty percent shall be added to the minimum price of each lot.

This increased price fixed upon your property would exceed many times the expense of such survey and plot by your own surveyor.

The year within which your survey and plot should have properly been made and filed has already elapsed; but inasmuch as the Secretary of the Interior has not yet taken action in the matter, an immediate compliance with the law, on your part, will yet be in time.

For like reasons, it would be desirable that, at an early day, similar plots be made and filed of each of the other city and town sites within the Territory.

PUBLIC HIGHWAYS.

The expense of the transportation to this Territory of all articles here consumed which are not produced within our own borders, is a most burdensome tax, both upon the General Government and upon our people. An expenditure of half a million dollars, in bridging the numerous small streams between Great Salt Lake City and the Missouri river, and in otherwise improving that great national thoroughfare, would result in saving many times that amount each year to the Government and to the people of this and the adjoining Territories.

Small steamboats have recently been placed upon the Colorado, for the purpose of transporting freight to Callville, the head of navigation upon that river. I am informed that the sum of fifty thousand dollars, or thereabouts, judiciously expended, would be sufficient to construct a wagon road from the southern portion of our Territory to Callville. This would reduce the land carriage of freight from the ports of the Atlantic and Pacific States to Great Salt Lake City, below six hundred miles, and certain classes of freight could doubtless be transported in that manner much more conveniently than by the present route. Such road would also open for settlement an extensive tract of territory, now but little known, but supposed to abound in mineral wealth and valuable agricultural lands.

For these reasons I would suggest that Congress be memorialized to appropriate the sum of five hundred thousand dollars for the improvement of the road from the Missouri river, and for the further sum of fifty thousand for the building of the road to Colorado. I have reason to believe that similar memorials relative to the road first above named, will be presented to Congress by the Legislatures of all the adjoining Territories.

MINERAL RESOURCES.

Within the past year, numerous mines of coal, lead and the precious metals have been discovered in various parts of the Territory. The present indica-