

not followed their profession, in consequence of the little interest that has been taken in the education of the rising generation, the small stipend that was offered for their services and the dilatory manner in which even that diminutive sum was often paid, if at all, have been induced to engage once more in the business of school-teaching, in which they are proficient and, if they are punctually paid, as per agreement, on or before the expiration of the time for which they have been engaged, they will without doubt, continue to devote their time to the performance of a duty they are so well qualified to discharge with honor to themselves and profit to those who employ them.

It is a sin of greater magnitude, if possible, to neglect paying a preceptor, who has labored faithfully for the mental improvement of those who have been placed under his tuition, than it is to subscribe for a newspaper without paying for it, and that ranks high in the catalogue of "sins of omission" of which mankind are often guilty.

That there will be a corresponding improvement in respect to the payment of those who are engaged in one of the most honorable callings, when rightly appreciated, that can be presented for the consideration of an intelligent being, we have little doubt. They should be paid and well paid and that, too, before their term of service expires. When the subject is properly understood by all, as it now is by some, the non-payment of school bills will soon be among the things that were. When that time shall arrive, or shortly thereafter, there will be few young men and women in Utah who cannot read and write, and few or none who have not a competent knowledge of science to make them useful members of society.

Murdered by Indians.

From the letter of a correspondent, which may be seen in another column, and from other reports that have reached this city, it is quite certain that Mr. Robert Clift, who was in some way connected with the Salt Lake and California Mail service, has been murdered by the Indians on or near the Humboldt, to which place he went from the Simpson route, on which the mail is now being carried beyond Ruby Valley, for the purpose of looking out a road or trail on which to remove the stock from the old to the new route.

The probability is—that he was killed about the middle of October, as the most reliable reports that we have heard represents that he started on the trip between the 10th and 15th of that month. Our correspondent thinks that Mr. Clift was well armed, but Mr. Bowers, who has lately arrived from the West, thinks that he was only armed with a shot gun. In either case it would have made no difference, if he was attacked by the savages and killed while asleep.

SLEIGHING.—The roads and streets are in fine condition for sleighing and many are improving the opportunity by occasionally taking excursions on "runners" about the city and into the country, which unquestionably affords much pleasure to those who have leisure to indulge in that favorite amusement, at this particular time, when there are but few occurrences or amusements to disturb the monotony that is everywhere to be seen.

FROZEN.—We have not as yet heard of any person having been frozen to death during the late cold weather, though many have had their hands and feet badly frosted—some so severely that amputation may become necessary, unless proper care is taken by those who have been thus unfortunate.

GRAMMAR SCHOOL.—Mr. A. Miner has secured the use of one of the rooms in the Court House for the purpose of teaching a grammar school, during the winter, commencing next Friday evening. See notice in the advertising columns.

More of the Eastern Mail.

On Thursday morning last, some five sacks of mail matter, that should have been brought in by the mail which arrived on the 29th ult., but which, from some cause, probably in consequence of the deep snows, was left at some place beyond the Weber, arrived by the northern route.

By this last arrival, later dates were received than by the first, especially from the frontiers, as most of the papers from Missouri, Iowa, Kansas and Nebraska were in the sacks that were left behind.

From the election returns in Nebraska it is evident that the report of the election of Daily

republican, as Delegate to Congress, was untrue—Gen. Eastabrook, the Democratic candidate, having over 400 majority.

The Republicans complain loudly of the interference of the federal office-holders with the election, including the Governor, Judges, and prosecuting Attorney; some of whom descended from their high position as officers of the Government to that of stump orators, which, those who were not benefited by their services in that capacity, protest against as being highly improper. They also allege that, in the Kearney precinct, where there was but one house, a trading establishment, and not a single family, there were 238 votes returned, all for the Democratic candidate, and in some of the other frontier counties, a similar result is announced. In that respect, the Democrats must have worked harder than the Republicans; for, if there was not "corruption" and "stuffing" on both sides, the politicians of Nebraska are more honest than they are in other parts of the Union.

Thieving in Nebraska and Kansas, if the reports are true, of which there is no doubt, is carried on to an unlimited extent and property of all kinds often change hands without the consent of the owner.

Railroad accidents are of as frequent occurrence as ever. On the forenoon of Nov. 1st, a train of thirteen cars, filled with excursionists from Fon du Lac for Chicago, ran off the track near Watertown, Wis. Eight men were killed and many others severely wounded.

The money market, at latest dates, was generally represented as being more favorable than it had been during the summer and fall.

—The suicides throughout the United States now average about nine a week.

GOVERNOR'S MESSAGE

TO THE

LEGISLATIVE ASSEMBLY OF UTAH:
Dec. 12, 1859.

To the Council and House
of Representatives of the Legislature of Utah:
GENTLEMEN:

The Legislative Assembly of eighteen hundred and fifty eight and nine, adjourned in this city on the twenty first day of January last, to re-assemble on the second Monday in December of the present year, at the Social Hall in this city, at which place we are now convened for the purpose of discharging duties which devolve upon us under the authority of the organic act for this Territory.

During the past year the inhabitants of this Territory, for the most part, have been peacefully and profitably employed in their various occupations; but I regret to be obliged to state that this city and the village of Fairfield, near Camp Floyd, within the military reserve, have been the scenes of many murders and other acts of violence, the perpetrators of which have fled and thus eluded justice.

All communities are dishonored in proportion to the extent in which crimes are committed with impunity in their midst. If the organization of the police be defective, it should be reformed, and if there be a deficiency in the finances of these cities, for enabling them to arrest offenders, I would recommend that an appropriation be made for their relief from the territorial treasury.

An act to establish a territorial government for Utah, approved ninth September, eighteen hundred and fifty, contains the following language: "The judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace."

"The jurisdiction of said several courts herein provided for, both appellate and original, and that of probate courts and justices of the peace, shall be as limited by law."

The Legislative Assembly of Utah for the year eighteen hundred fifty two, passed "an act in relation to the judiciary," approved fourth of February, eighteen hundred fifty two. Section twenty ninth of that act reads thus: "The several probate courts in their respective counties have power to exercise original jurisdiction, both civil and criminal, and as well in chancery as at common law, when not prohibited by legislative enactment." This act also provides for appeals from probate courts. Thus, it will be perceived that your predecessors, seven years ago, under the construction of the power granted by the organic act, conferred upon the probate courts both civil and criminal jurisdiction, in addition to the power ordinarily granted to probate courts.

I have been informally advised that the federal judges have virtually disapproved of this construction of the organic act, as indicated in this action of the Legislative Assembly; yet I am not aware that any case has come before these officers in such form as to elicit a decision upon its merits, so as to establish a legal principle. I would therefore recommend that this question be taken up through the proper tribunals for a final decision. If the action of the legislature be sustained, this community will enjoy the undisputed right of protection through the prompt action of a tribunal always present, instead of being obliged to await the tardy action of the district courts, which are in session but once a year. If, however, the decision of the

supreme court should be adverse to the exercise of such power by the probate court, you will then be relieved from the embarrassments growing out of its disputed powers.

Col. S. C. Stambaugh, Surveyor General for the Territory of Utah, commenced on the twenty sixth day of October, eighteen hundred fifty nine, an examination of certain surveys, made during the administration of his predecessor, the accuracy of which surveys has been questioned. If these surveys be approved, it may be reasonably supposed that the government will establish land offices here, so soon as the Indian title shall have been extinguished.

In view of the public lands in this Territory being offered for sale by the proclamation of the President of the United States, I would commend to your consideration the propriety of adopting some legislation in relation to the grants of kanyons, water power, timber, tillable lands and other property belonging to the United States. I am aware that these grants are considered as only temporary arrangements, for the purpose of inducing parties to spend labor and money in rendering the property available. It is quite evident, however, that all these grants will be entirely valueless, unless sanctioned by the United States government, in which is vested the exclusive ownership of these lands, and from which source alone any valid title can be acquired.

Under existing circumstances, the grants of lands to be used for herding and other purposes are unreasonably large and their occupancy has become exceedingly oppressive to certain portions of the community, and I would recommend the adoption of measures for their eventual abolishment.

The land laws of our country are based upon wise and liberal principles and extend their protection to actual settlers upon the public domain, against the usurpation of individuals and speculations of monopolists.

When the lands are open to sale and pre-emption, the public interest, and more especially the interest of the poorer classes, would be promoted by restricting claims by law to less than quarter sections, and I believe they should be restricted to lots, not exceeding twenty acres each.

I would recommend that Congress be memorialized on the subject of subdivision of quarter sections, in accordance with the suggestions contained in the foregoing paragraph, and also for the permanent establishment of some system for the equitable distribution of water and timber. If this latter provision be neglected, the new occupants of the kanyons and timbered lands may exercise an oppressive influence upon the occupants of tillable lands in the valleys.

In my communication to the Legislative Assembly on the day of December, eighteen hundred and fifty eight, I endeavored to impress upon that body the vital importance of appropriating a portion of the territorial revenue to the establishment and maintenance of common schools throughout the Territory; and I again urge that subject upon your earnest consideration.

The rising generation are about to become the proprietors of the soil, and the actors in the important affairs of life. The children of the poor are equally entitled to the benefits of education with those of the rich. Therefore, let a system of taxation be adopted which will enable all to receive that instruction from which some are at present comparatively debarred. Competent instructors cannot be expected to devote their time to teaching, unless liberal and certain compensation be received by them.

I am informed that, in this Territory, a large fund is annually derived from the tithing of the people. This fund, I esteem a legitimate subject for taxation, as well as the other church property. I therefore suggest the passage of a law for securing a revenue for educational and other purposes from these sources.

By reference to the auditor's report, you will perceive there is appropriated to military purposes - - - 2,205 00
Adjutant general's salary - 1,000 00
Premium on gunpowder - 200 00

Making an aggregate of - \$3,405 00

If this sum mentioned as appropriated to military and the like purposes, were expended for the advancement of education in this Territory, would not the community be benefited by the exchange?

The establishment of annual fairs for the encouragement of agricultural and mechanical industry is entitled to the protection and aid of the legislature.

I herewith submit the reports of the treasurer and auditor, embodied in which is the report of the warden of the penitentiary.

The treasurer's report shows a balance in the treasury of - - - \$4339 42

The auditor's report shows an estimated balance of - - - \$1187 88

These reports you will refer to the proper committees.

The report of the affairs of the penitentiary by the warden, exhibits the number of prisoners and contains an estimate of the appropriation necessary for their subsistence.

The penitentiary system, as applied in this Territory, seems to be peculiarly unfitted for carrying out the intention of its projectors. There will probably be only a small number of convicts confined at any one time, and I am acquainted with no kind of labor which, in this country, would defray the expense of the maintenance of the prisoners and the payment of a suitable guard. The continuance of the system under these circumstances subjects the Territory to a heavy expense, without furnishing corresponding advantage. The

building itself is objectionable, in consequence of the original defects in the plan of its structure and from its present dilapidated state, caused by a violent storm in the year eighteen hundred and fifty eight. It originally consisted of two stories—The upper, constructed of adobies, divided into two rooms; the lower, built of sandstone, divided into small cells. The eastern gable end of the building and a large portion of the roof were destroyed by the storm alluded to. As there are no workshops, tools or materials provided for work, the prisoners must necessarily be confined to their cells for want of proper occupation, or be permitted to rove about within the adobie walls which surround the building, passing an indolent and unproductive existence.

I have been informed that the secretary reported the dilapidated condition of the building to the department at Washington, but I have no knowledge of the character of the reply, if any reply were received.

I would suggest such modifications of the penal code as would lawfully subject prisoners, convicted of penitentiary offences, to service in constructing new and repairing the old roads of the Territory. The organized band of thieves for the stealing of horses and other animals have become so numerous and audacious that I deem it indispensably necessary that the most stringent measures should be taken without delay, to ensure their punishment.

I recommend the passage of a law making it obligatory upon the city councils of Great Salt Lake, Provo, and other cities, to publish, at their own expense, a digest of their ordinances, in a convenient form, within thirty days after the promulgation of such act; also, that all new ordinances, hereafter enacted, shall be published in one or more papers of G. S. L. City, within ten days after their enactment; also, that they should publish quarterly itemized financial reports of the amount of receipts and expenditures, showing the sources whence the receipts have been derived and for what purposes they have been expended; also, that they should cause to be thoroughly cleansed and kept open the principal water-ditches in their respective cities and establish convenient crossings at the intersection of streets.

Also, the expense of keeping in repair the road between the north boundary of this city and the gate near the city bathhouse, should be equally divided between Davis county and this city—the supervisor of said road to be appointed by the county court of Davis county; also, the expense of keeping in repair the state road, from the southern wall of the city to the bridge on Little Cottonwood, should be equally defrayed by Great Salt Lake City and county; also, that the citizens of this place should be exempt from all other road tax, except those indicated in the above recommendations.

I especially call your attention to the dilapidated condition of the bridge over the Jordan at the foot of North Temple street.

In the month of June, 1859, the officer in command of the department of Utah, detached, under the command of an experienced officer, what he deemed a suitable military force for the protection of emigration on the northern California route. Notwithstanding this precaution, many persons passing from the Eastern States to California by that route, were murdered by Indians, supposed to belong to the roving bands of Bannacks and Sho-shonees. These Indians are reported to have stolen and destroyed the property of the emigrants. It is probable that the officer in command of the department will establish posts upon this line, which will secure, hereafter, the emigration on this route from similar disasters.

With this exception of the depredations above alluded to, and some robberies on the new mail route, west of Camp Floyd, the Indians have been, for the most part, peaceable.

Under the authority of the Secretary of War, a party, commanded by Lieut. Humphreys, U. S. A., began an exploration of the country between the Cheyenne river (a tributary of the Missouri) and the head waters of the Yellowstone river. This exploration, when accomplished, I am induced to believe, from my knowledge of the country, will demonstrate the fact that Great Salt Lake City is within three hundred and fifty or four hundred miles of steamboat navigation on the tributaries of the Missouri.

A communication recently received by me from an officer of the army in charge of a reconnaissance between Fort Vancouver and this point, induces the belief that the distance from this city to steamboat navigation on Snake river (a tributary of the Columbia) will not exceed four hundred miles; thus placing this people in intimate connection with the Pacific coast on the west and the Atlantic on the east.

The present state of public opinion indicates this region as a portion of the route most suitable for the establishment of railroad communication between the oceans.

It is not unreasonable to anticipate an Union of interests of the southern overland mail with those of the mail which at present runs from St. Joseph's, through this city to San Francisco.

If this union should be accomplished and this route adopted, in my opinion a great public interest would be advanced and a weekly mail secured, the transit of which, between New York and San Francisco, through this city, would not exceed eighteen or twenty days.

May the blessing of the Almighty Ruler of the Universe rest upon your labors, and your actions during this session be profitable to the Territory.

A. CUMMINGS.