



GEORGE Q. CANNON,

EDITOR AND PUBLISHER.

Wednesday, - - February 7, 1872

al particulars, and are not such as I can consistently approve and file in this office; I therefore return them herewith.

Respectfully, WM. CLAYTON,
Auditor of Public Accounts.

On the 11th of August, 1870, one G. W. Bostwick called at my office and stated that he was appointed and commissioned by the Governor to be Auditor of Public Accounts for the Territory of Utah. He presented the commission, which I read. What took place on that occasion will be best explained by referring to a copy of a note I addressed to the Territorial Attorney-General under date of August 13th, 1870, which will be found herewith, marked

"E"

TERRITORIAL AUDITOR'S OFFICE,
Salt Lake City, August 13th, 1870.

Hon. Z. Snow, Attorney General:

Dear Sir.—On Thursday, the 11th inst., a gentleman called at my office and presented what purported to be a commission, signed by Governor Shaffer, appointing and commissioning G. W. Bostwick, Auditor of Public Accounts for the Territory of Utah; said commission was dated August 11th, 1870. After glancing over the document I stated to the gentleman that I was not aware the Auditor's office was vacant; that I was duly elected by the Legislature at its last session, and held a commission as Auditor of Public Accounts from the acting-Governor by virtue of said election. He then demanded the books, papers and property pertaining to the Auditor's office. I informed him that I would take legal advice before doing anything further about the matter, and that is the object of this communication.

On the sixteenth day of February, A. D., 1870, I was elected by the unanimous vote of the Legislative Assembly of the Territory of Utah to the office of Auditor of Public Accounts for said Territory. "An act prescribing the term of certain officers and designating where their bonds shall be filed," approved January 19, 1866, defines the term of office to be four years, "and until their successors are elected and qualified, unless sooner superseded by Legislative election." On the seventeenth day of February, 1870, I presented my bond to the Probate Judge for Salt Lake County, as required by the above named act approved Jan. 19, 1866. Said bond was approved by Hon. Elias Smith, Probate Judge for Salt Lake County, and filed in his office. A certificate of that fact was issued by him, which I handed to His Excellency S. A. Mann, the acting-Governor. I received a commission from acting-Governor Mann, dated first day of March, A. D., 1870, commissioning me Auditor of Public Accounts for the Territory of Utah, from which commission I extract as follows: "And authorize and empower him to discharge the duties of said office according to law, and to enjoy the rights and emoluments thereunto legally appertaining, for the term prescribed by law, and until his successor shall be elected and qualified to office." The term prescribed by law is four years, less than six months of which have expired, and there certainly has been no successor elected and qualified as contemplated in said act, neither have I [been] superseded by Legislative election.

Now sir, I am not aware of having neglected any duty, nor of having transgressed any law pertaining to my duties as Auditor of Public Accounts for the Territory of Utah, neither have I been advised that any one has complained of my having either neglected any duty or transgressed any law pertaining to said office or otherwise, since the date of my commission, on the first day of March last; and it seems to me, that I would be recreant to the trust confided to me by the Honorable Legislative Assembly, were I to surrender the office of Auditor of Public Accounts for the Territory of Utah, or the books, papers, and property pertaining thereto, to any person under any circumstances, unless superseded by legislative enactment. I therefore respectfully solicit your legal advice, as to my duties under the circumstances herein enumerated.

Very respectfully,

WM. CLAYTON,

Auditor of Public Accounts for the Territory of Utah.

After this date, (August 13th), I was not interfered with any further, and

the foregoing embraces all the correspondence I have had with any United States official, or otherwise, pertaining to the several matters referred to.

I believe I have now fulfilled your request, and I beg leave to say in conclusion, that in all my acts in the premises I endeavored to so deport myself as to avoid unnecessary irritation, or giving just cause for offence, yet determined, to the best of my ability, to honor the appointments your Honorable body conferred upon me in every respect. I trust my actions will meet with your sanction and approval.

Very respectfully, Your obedient servant,

WM. CLAYTON,

Auditor of Public Accounts.

Salt Lake City, January 22d, 1872

THE disgraceful proceedings at the masked ball last night in Faust's Hall are another evidence of the existence of a reckless class of men in the Territory, who have been induced to make this region their temporary abiding place, in the hopes of gain, through mining and cognate speculation, and who, owing to the studied conflict of jurisdiction, can not be handled by the officers of law and justice in a satisfactory manner.

To masked balls we are utterly opposed. They are entirely unnecessary and exceedingly unbecoming. In fact, among most honorable people, they are considered very disreputable. It is not in the nature of things that their influence should be salutary. They may be congenial to the loose and vicious customs of the large and corrupt cities of France, Italy, or Spain, but they are entirely out of place among decent American people, and especially are they foreign to the sentiments, habits and customs of the people of this Territory. If any of the young people of our cities and settlements patronize such institutions, it is in opposition to the wishes of their parents, guardians, and best friends. Such gatherings have a direct tendency to minister to the gratification of lustful passion, and should be avoided by all persons, males and especially females, who have the slightest self-respect, except in case of imperative duty calling them there.

Opportunities for the innocent and beneficial enjoyment of the dance and of other commendable recreations, are abundant in all our cities and settlements, so that no one who has any regard to his reputation need voluntarily mix up with assemblages of a disreputable or doubtful character.

PEOPLE'S TICKET!

For Delegates to the Constitutional Convention.

ORSON PRATT,
WM. HAYDEN,
AURELIUS MINER,
THOS. FITCH,
P. EDW. CONNOR,
REUBEN MILLER,
WM. JENNINGS,
GEO. Q. CANNON,
JOHN T. CAINE,

DAVID E. BUEL,
A. CARRINGTON,
THOS. P. AKERS,
JOHN SHARP,
A. P. ROCKWOOD,
E. D. HOGE,
FRANK FULLER,
S. SHARP WALKER,
Z. SNOW,
HADLEY D. JOHNSON.

Political Meeting of Citizens at the Tabernacle.

THIS afternoon at 3 o'clock, a numerous assembly of citizens of both sexes convened in the Old Tabernacle for the nomination of candidates for the forthcoming city election and for delegates to the Constitutional Convention.

Mayor D. H. Wells called the audience to order, when the following gentlemen were elected officers of the meeting—Hon. Elias Smith, chairman; Paul A. Shettler, R. V. Morris, Theodore McKean and E. W. East, secretaries.

The chairman announced the purpose of the meeting.

After "Do What is Right" had been sung, J. C. Little, Esq., offered prayer.

Hon. Geo. Q. Cannon proposed and the meeting applaudingly agreed that a committee of seven, part of them ladies, be appointed to select names for nomination for city officers. The chairman appointed Geo. Q. Cannon, J. C. Little, A. Carrington, W. C. Staines, E. D. Hoge, Mrs. Bathsheba Smith and Mrs. S. M. Kimball the committee, who accordingly retired.

Mayor Wells proposed and the meeting agreed that a committee of seven be appointed to select names for nomination as delegates to the Constitutional

Convention. The Chairman appointed D. H. Wells, Joseph Woodmansee, E. D. Woolley, John Van Cott, I. C. Bateman, Mrs. Wm. Howard and Mrs. E. W. East said committee, who also accordingly retired.

While the committees were consulting, Hon. Z. Snow addressed the audience upon the right of the people to petition for a State government.

Hon. Thomas Fitch was also called for, but he declined to speak before the committees had reported.

Hon. George Q. Cannon, on behalf of the committee, presented the following names for city officers—

For Mayor: Daniel H. Wells.

For Aldermen: First ward, Isaac Groo; second ward, Aurelius Miner; third ward, Nathaniel H. Felt; fourth ward, Jeter Clinton; fifth ward, John Van Cott.

For Councilors: Lewis S. Hills, Robert T. Burton, John R. Winder, Alexander Majors, A. C. Pyper, Joseph F. Smith, John Clark, Theo. McKean, Henry Grow.

For Marshal: John D. T. McAllister.

For Treasurer: Paul A. Schettler.

For Recorder: Robert Campbell.

The meeting accepted the list of names presented.

Hon. D. H. Wells, in behalf of the committee, reported the following names for delegates to the Constitutional Convention—

Orson Pratt, David E. Buel, Wm. Hayden, Albert Carrington, Aurelius Miner, Thomas P. Akers, Thomas Fitch, John Sharp, P. E. Connor, A. P. Rockwood, Reuben Miller, E. D. Hoge, Wm. Jennings, Frank Fuller, Geo. Q. Cannon, S. Sharp Walker, John T. Caine, Z. Snow and Hadley D. Johnson.

The names were sustained by the meeting.

Hon. Thomas Fitch, on being called for again, arose and addressed the audience in a spirit-stirring manner. He thanked the meeting for the honor of the nomination. He had been nominated delegate to a similar convention in Nevada, and the prospects there then for a State Government looked less promising than they do here. The people there had voted down a State Constitution, the press ridiculed the Convention, and the people advised the members to go home. Yet in a few months the revulsion in public sentiment was such that the people voted for a State Government. Unable to endure the rotten Territorial Courts, the people sacrificed the expense to obtain self-government. He would not predict what concessions Utah might make for the privilege of choosing their own officers, but this movement for a State Government was an earnest movement, and not a farce.

In regard to the Potter amendment Congress had been known to change its mind in a short time. The law requiring a representative population in a Territory before admission as a State, did not go into effect until March, 1873, and Utah might be admitted before that time, or a new census might demonstrate that she had the required population.

If elected he would endeavor to have a constitution framed that should recognize the toils and sacrifices and services of the pioneers, provide for the necessities and interests of young, progressive Utah, assimilate her social and political life to that of all the other States, and aid to render her institutions homogeneous with theirs.

Just as the meeting was on the point of adjourning, a gentleman handed the following Resolution to the chairman, which he requested to have read to the meeting. Its reading called forth such a tumult of applause as we have seldom heard. It furnished the people an opportunity which they have not had of expressing their feelings respecting the outrageous course of the person referred to, and they availed themselves of it. It was adopted by acclamation.

Resolved—That it is the candid opinion of this large assembly that Chief Justice James B. McKean, in many of his official acts, and especially in refusing the bail recently asked for by the deputy U. S. District Attorney, J. L. High, under instructions from Washington, has manifested so unwise and oppressive a spirit, and so misused the power of his office, that his judicial course richly merits condemnation; and his removal from office is asked for in behalf of justice and equal rights for all before the law.

The assembly was dismissed by Hon. W. Woodruff.

THE TERRITORIAL LEGISLATURE.

Thursday, Feb. 1st.

COUNCIL.—Council met pursuant to adjournment.

Councilor Wm. Snow presented petition of Alden A. M. Jackson, praying to be appointed Notary Public for Washington County, which was read and referred.

Councilors Woodruff and Thatcher were, on request of the House, appointed committee of conference on the part of the Council on "an Act defining the duties of Superintendent of the Salt Lake City and Wanship Wagon road, and repealing certain Acts relating thereto."

A message was received from Governor Woods, informing the council that he had signed and approved "an Act changing the names of Thomas F. Harry, Mary A. Harry, Melissa Evalina Harry, Laura Geneva Harry, Flora Geneva Harry," and deposited the same in the office of the Secretary of the Territory.

"An Act designating the time of holding the first election for City officers for Washington City, in Washington County," was taken up and amendments were sustained.

"An Act authorizing the erection of County jails, and defining the duties of the officers thereof," was taken up and passed.

On motion of Councilor Harrington the Council adjourned.

Feb. 1.

HOUSE.—A message from the Governor was received and read, announcing his approval of An Act making sheep taxable property.

A communication from the Recorder of Marks and Brands in relation to estimated cost of printing brand sheets, was received, read and referred.

The auditor reported the receipt of Legislative Documents for the years 1869 and 1870 deposited at his office by the chief Clerk.

Mr. Reese, from the committee on Agriculture, Trades and Manufactures, reported for An Act pertaining to game, a substitute bill, including protection of fish, and recommended its passage. Said substitute bill was read and ordered printed.

Mr. Callister presented Librarian's report for the years 1870 and 1871, which was read and referred.

Mr. Rockwood presented a bill for An Act to amend the Charters of the incorporated Cities of the Territory of Utah, which was read, ordered printed and referred.

Petitions of Mr. Henry Cook and 122 others, citizens of Grantsville, in Tooele County, praying for a free school system, was read and referred.

An Act limiting the time of commencing Civil actions, was read, ordered printed and referred.

Petition of Geo. W. Brady and 63 others, praying for a change in the limits of Moroni City, Sanpete County, was read and referred.

On motion of Mr. Thurber a joint committee was asked for to examine the Auditor's and Treasurer's books and compare the same with the redeemed auditors warrants.

Adjourned till Friday at 1 p.m.

Friday, February 2nd.

COUNCIL.—Council met pursuant to adjournment.

In compliance with request of the House, Councilor Harrington was appointed Council member of Joint Committee, to examine the Auditor's and Treasurer's books and compare them with the redeemed auditors warrants.

Councilor Woodruff, from committee on claims and appropriations, recommended \$1,000 to be appropriated to building a new bridge over the Sevier River. Instructed accordingly.

Councilor Woodruff reported back "an Act in relation to obnoxious weeds and providing for their extermination," and they deemed it expedient to legislate upon that subject. Accepted.

Councilor Woodruff, from committee, reported back "an act further defining the duties of superintendent of the Salt Lake and Wanship wagon road, and repealing certain acts relating thereto," with amendments and recommended their passage. Adopted.

Councilor Harrington, from committee on judiciary, reported back "An Act to prescribe the manner of conducting criminal proceedings, amended, and recommended its passage. Accepted.

Councilor Harrington, from committee on judiciary, reported back "an Act for the prevention of frauds and perjuries," amended, and recommended its passage as amended. Accepted.

"An Act relating to the discovery of gold and silver quartz lodes, and other mineral in rock in place and the manner of their location," was taken up and read and laid on table.

"An Act for the prevention of frauds and perjuries," was taken up and passed.

Councilor Harrington gave notice that he would introduce on Monday, a bill for "An Act recognizing the common law as a rule of decision in civil cases."

On motion of Councilor Cannon the consideration of "An Act to prescribe the manner of conducting criminal proceedings," was resumed, pending the reading of Section 48.

On motion of Councilor Smoot, the Council adjourned until Monday, at 10 a.m.

Feb. 2.

HOUSE.—The report of the Territorial