

EDITORIALS.

THE LEGISLATURE AND THE COUNTY CLERK.

The dispute between the House of Representatives and the Clerk of Salt Lake County Court has occasioned some public discussion, and in order that the subject may be clearly understood a little explanation is necessary. A letter from the Clerk, which appears in this morning's *Herald*, being calculated to mislead, we present the facts, that the people may have the opportunity of arriving at correct conclusions relative to this subject.

It has been customary for the clerks of the various county courts to furnish a statement of the financial condition of their respective counties to the Legislative Assembly at each session. These reports appear regularly in the journals of the Legislature, and enable the people to arrive at some understanding of the manner in which the public moneys have been expended.

There are three enactments on the statute books relating to the financial statements of the counties. The first, which is Section 181 Compiled Laws, requires the *County Courts* to keep an account of the receipts and expenditures, keep a copy posted up in three public places, or have it published in some newspaper having a general circulation in the County, have the original filed in the office of the County Court, and "cause a copy thereof to be annually furnished to the Legislative Assembly of the Territory during the first two weeks of its session." The next is Section 191 of the Compiled Laws, which devolves the duty of keeping an accurate financial account upon the *County Clerks*; but this not being considered sufficiently specific, another law was passed in 1890, amending the last-named section so as to read as follows:

"The clerks of the County Courts are hereby required to keep an accurate account of all receipts and expenditures of their respective counties, also of all debts payable to and by said counties. At the opening of the session of the County Court on the first Monday in June, annually, the said Court shall call for and receive the County Treasurer's report, as provided in Sec. 213 of the Compiled Laws of Utah, of the condition of the treasury on the 31st day of May next preceding, and shall settle with said treasurer. The County Clerk shall thereupon submit to the said Court a statement in detail, showing the receipts during the fiscal year ending on the said 31st day of May; the balance, if any, in the treasury at the close of the previous fiscal year; the expenditures during the fiscal year just closed, specifying separately in said expenditures the amount paid to each officer, and for every other disbursement; and the balance on hand, together with a statement of all the debts payable to and by said counties. The said courts shall thereupon audit said statement, and the county clerk shall, within ten days from the close of said auditation, publish a true copy of said statement, as approved by the County Court, in some newspaper published in the county, and having general circulation therein, if there be one; if there be no such paper, then by posting up the said copy in their offices, and shall keep said copies posted up during the year. A neglect of this duty by any clerk of the County Courts shall render him liable to a fine in any sum not exceeding five hundred dollars.

Taking the law of 1850, as here given, and the provision of section 181 Compiled Laws, which has never been repealed, it will be seen that a copy of the financial statement which the later law requires the Clerk to make out and have published, should be sent to the Assembly during the first two weeks of its session. By whom? The law says the County Courts shall "cause a copy thereof to be furnished." Who is the officer that performs the work? The County Clerk of course. He keeps the accounts, he makes out the report, he posts up the copy or publishes it in a newspaper, and he is the person representing the court who submits the copy to the Legislature.

Now let us see where the difficulty has arisen. Reference to former reports from Salt Lake County will show that the amounts paid to county officers have been reported in a lump. Thus, the Journals of the Assembly for 1880 show in the Salt Lake County report for 1878:

"Compensation to County officers and employes, \$9,650.00." And for 1879:

"Compensation to County officers and employes, \$13,794.25."

By this report no one can tell what amount was paid for the services of each officer. And the question is, have the public the right to know anything about these expenditures and the remuneration received by public servants? If not, the controversy is ended. But the Legislative Assembly of 1880 considered that a full account should be intelligibly rendered, and amended the law for that very purpose. But the Clerk of Salt Lake County has gone to the other extreme. Having formerly made a lump of the amounts paid in the aggregate to all the county officers, he next proceeded to spread out the accounts till they were so thin that no one without great labor could tell any more from the new statements than the old what each officer had received, or what had been paid out for each disbursement during the fiscal year. With the object of this course, we have nothing at present to do. The public can draw their own inferences, we are only stating facts and making explanations.

The Clerk of Salt Lake County sent to the Legislative Assembly a copy of his financial statements, and that, with all the statements from other counties, was referred to the Committee on Claims and Public Accounts. On examination, the Committee found that every other County Clerk but the official of Salt Lake County had made out a report complying with the plain significance of the law which requires: First, "a statement in detail showing the receipts during the fiscal year;" second, "the balance in the Treasury at the close of the previous fiscal year;" third, "the expenditures during the fiscal year just closed, specifying separately in said expenditures the amount paid to each officer and for every other disbursement;" fourth, "and the balance on hand, together with a statement of all the debts payable to and by said counties." But the Salt Lake County report of expenditures was not in the nature of an annual statement, but an itemized copy from the books. It did not show the "amount" paid to each officer, but the several small items disbursed, so "thoroughly mixed and mingled" with other expenditures that the committee could not, unless they employed a clerk, pick out and total the amounts so as to make the report conform to all the others submitted. They therefore rendered a report to the House, asking whether clerical labor should be employed or the report be returned to the clerk to make out in the form desired. The House instructed the committee to take the latter course.

They wrote to the Clerk under date of Jan. 27th, requesting him to make his report conform to the others. All he was desired to do was to pick out the items and then total them in such a way that the law, as understood by the committee and by every other County Clerk in the Territory, should be complied with. No answer coming for three weeks, the House pressed the committee to action and a member of the committee waited upon the Clerk, who, under date of Feb. 18, sent a reply in which he claimed that "owing to press of business he had not matured in his mind satisfactory conclusions as to how to meet the request." The committee wrote again showing the clerk how to comply with their request and simply desiring him, without discussing legal questions, to "sum up the total amounts paid to each officer and for every other purpose," or answer at once that he could not or would not comply. No reply coming, the clerk was again visited by a member of the committee, and on March 2d, a delay of 10 days, addressed the following, not to the Committee appointed to communicate with him, but to the House:

SALT LAKE CITY, March 2, 1882.

To the Hon. the Legislative Assembly of the Territory of Utah:

Gentlemen:—On mature reflection I find myself under the necessity of returning to you the accompanying financial statements; owing, first, to the fact that I cannot harmonize the suggestions made by your committee on claims and public accounts with either the laws of 1866, 1867 or 1880.

Second, That no law exists requiring the county clerk to make any re-

port whatever to the Legislative Assembly; and,

Third, Through the accumulation of business before me I am unable to furnish you such a report as would be in keeping with law and the suggestions of the committee and do justice to the records of my office.

I remain, respectfully,

D. BOCKHOLT,

Clerk of the County Court, Salt Lake County, Utah.

Now, if there is no law requiring the County Clerks to report, why did this officer who claims to be such a stickler for law, send in any report at all? As we have shown, the Clerk does the clerical work of the Court, he is the officer who in every instance has sent the reports to the Assembly, and is supposed to be acting for and in behalf of the Court in doing so. But seeing that he sent in a report after all, why did he not furnish it in the form required? He answers "accumulation of business makes him unable to comply with the law and the suggestions of the committee and do justice to the records in his office." What is the matter then, with the records in his office? Are they not in accordance with law? And how can a record be affected by the simple addition of the items in a statement, supposed to be made up from the records? No one asked the clerk to alter a figure in his books, nor to materially change the substance of his report. He was simply asked to sum up in totals for each year the amounts paid to each county officer and for every other disbursement. This he has refused to do without giving any substantial reason, and the attempt at excuse conveyed in the last paragraph of his letter to the House, places him in no enviable light before thinking people. There is no need to make any remarks upon its flimsiness and inconsistency, as any one who reads and reflects will discover that at a glance.

On the 3d inst. a vote of censure was passed on the Clerk of Salt Lake County by the House of Representatives. He makes the statement in this morning's *Herald* that it was on resolution introduced by the Committee on Claims and Public Accounts. This is entirely untrue. That committee had nothing whatever to do with the resolution. It was offered by a gentleman who had no connection with the committee. But the Clerk seems to have become angry with the Committee because they performed a duty imposed upon them, and not content with treating them with the discourtesy of addressing to the House his delayed reply to their communication, he now seeks to misrepresent them through the columns of a popular journal.

One more item in relation to this report and we have done. The Clerk seems to think that the law requires a detailed or itemized account of the expenditures to be given. Careful reading of the law will show that the word "detailed" relates to the "receipts during the fiscal year." But these he has given as follows:

From taxes as per assessment roll,	\$53,906 53
From reimbursements by the South Jordan I. Company,	2,100 00
From Licenses,	4,890 03
From Fines,	42 50
Poll Tax,	1,420 35
Total,	62,329 41

This is well enough; it is intelligible and so far satisfactory. But if he interprets "detailed" to mean itemized, why did he not give the amounts received in severalty, on the day and date of reception? When he comes to the disbursements, which are only required to show the "amount" for each officer and every other disbursement during the fiscal year, he itemizes them so that every separate payment appears, in many different amounts, thus evading the law's requirement and confusing the taxpayer who wishes to know what has been done with the public funds.

Again, if the word "detailed" applies any further than to the receipts, it applies to the "statement of all the debts payable to and by said counties." But the debts due by Salt Lake County he has lumped in one total thus:

Debts payable by S. L. County, as per treasurer's report,	\$59,551 15
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The same amount appears in the report of 1880 and that of 1881. Why did he not give a "detailed" or itemized report of these debts, showing to whom they are payable? If the law requires an itemized report of disbursements, so it does of receipts, and so it does of "all the

debts payable to and by said county." A stickler for the letter of the law should comply with the letter of the law.

It will be perceived from the foregoing that the Clerk of Salt Lake County has placed himself in an anomalous position. He has refused to do that which all other County Clerks have considered it their lawful duty to perform, even when he was courteously requested to attend to it by the legislative department of the Territory. If he is a great legal luminary and interprets the law differently from the Assembly and from every other County Clerk in the Territory, it would have done him no injury, and would have had no effect whatever on his records to perform the simple sum in arithmetic which was desired by the Assembly. In refusing this courteous request, he has justified the very unfavorable comments made by the public, and given rise to suspicions, which, however unfounded, reflect no credit upon the office with which he is connected.

LABORS OF THE LEGISLATIVE ASSEMBLY.

The twenty-fifth session of the Legislative Assembly was the longest ever held in this Territory. It was a time of close application and arduous labor. Every measure introduced was closely scanned in both Houses, and most of them were duly weighed and discussed in committee. That some important bills were delayed until towards the close of the session is not to be wondered at, when it is understood that every change or amendment made by either House has to be investigated by the other, and a mutual agreement arrived at before it can go to the Governor, also that any alteration which he might suggest, has to be agreed to by each House separately before it becomes a law.

All this takes time. If the Legislature should through haste or lack of deliberate scrutiny pass any bill containing inaccuracies or discrepancies or anything injurious to the public welfare, those who complain of delay would be the first to grumble about the error, and to denounce the Assembly for being in too great a hurry.

A very large number of bills have been passed, and a large proportion of those enactments have received the executive sanction and signature of the Governor in regard to points that appeared to him objectionable were favorably considered and adopted by the Assembly. The intercourse between the members and the Executive was marked by that gentlemanly courtesy and frankness which should be maintained, and that is calculated to produce good results.

The weakest objection urged and insisted upon by the Governor was that in relation to the University of Deseret. At the preceding session the Legislature made an appropriation towards the erection of a suitable building for that institution, the City Council of Salt Lake City munificently donating Union Square as a site for the structure. This session \$40,000 more was appropriated to continue the work, which had been commenced in an admirable manner, as may be seen by inspection. The Governor objected to signing the bill with that amount and another for \$15,000 for the usual expenses and providing for the tuition of eighty normal students to be prepared for efficient service as teachers for the District Schools. For this he gave three reasons: One was, that with other appropriations, it was beyond the revenue provided by the existing laws; the next, that the "organization is illegal because the Regents and Chancellor are not named and appointed in accordance with section 7 of the Organic Act, which provides that the Governor shall nominate and with the Council appoint certain officers not provided for in that Act; and the other, that appropriations for this purpose should contain an unqualified provision that no doctrinal sectarian tenets should be taught in the University.

The first objection is not well taken. The revenue for the previous two years shows an income of \$312,930.64. Half of this goes to the payment of teachers in the District Schools, leaving \$156,465.32. The total amount of appropriations in the bill under consideration is about \$180,000. At first sight

it looks as though the appropriations would run beyond the probable income. But reference to the Auditor's reports from session to session will show a gradual increase in the revenue, so that we may reasonably expect an increase for the next two years over the receipts of the last two years. And that this will be considerable may be rationally concluded because of the great advance in property values in many places, particularly in Salt Lake and Ogden cities, where large and numerous buildings have been erected, the taxation upon which will add greatly to the revenue, while the taxes on new railroads will yield still further sums. Thus the Legislature knew what it was about in making the appropriations, and the first objection of the Governor to the amount for the University is groundless. Moreover if the economical reasoning were sound, it would better have applied to the \$20,000 for an Asylum for the Insane not yet commenced, than to the University building, the basement of which stands in mute but solid testimony of the mistake of the Executive.

The objection that the organization is illegal is altogether incorrect. The law organizing the institution was duly enacted and approved, and has been in force for thirty two years, and the manner of electing its officers was therein provided for, namely, by the Legislative Assembly in joint session. This Act was duly submitted to Congress, and not having been annulled is virtually, by the provisions of law and according to a decision of the United States Supreme Court, a statute of the United States as valid as any law of Congress, and therefore of as much force as the Organic Act, and being the later law prevails over the provision of Section 7, under which the Governor claims to nominate the University and other officers. The Assembly created all these offices and provided the method of their election or appointment; the bills were signed by the respective Governors in office when they were passed, and have been and are good law, the Governor's advisers' opinions to the contrary notwithstanding.

The other objection is equally without basis. It is well known that the University of Deseret is not a religious institution in any sense. Also that some of the "Mormon" people have complained that no religious principles were inculcated there, and that it had to be explained to them that being a State, or rather Territorial institution, supported out of the public funds, it could not be made a denominational school of any kind. Such a proviso as the Governor desired was altogether unnecessary but would have been conceded if there had been no other objection advanced. And how such a proviso would affect the stone and bricks and mortar and other materials of the building it will take more subtle minds than ours to discover. The unfinished building stopped in this untimely and capricious manner, does not speak very loudly for the desire of the Executive to promote the cause of education in Utah. The people can stand it, however, if he can, as they have become used to these stumbling blocks in the path of their progress, placed there by hands that should aid in the people's advancement.

The Governor's change in the name of the new county in the south at first sight appears very small and arbitrary. The name of Snow is identified with every public improvement in that region. Hon. Erastus Snow is truly the father and benefactor of that part of the Territory, having labored indefatigably in its interest, without pecuniary remuneration, for many years. He is recognized as the leading mind there, and the marks of his genius and sound advice are stamped upon the various improvements which show the redemption of the country from barrenness and desolation. No name could be fitter than his for a county organized in the neighborhood of his incessant labors. But it should be understood, in justice to the Governor, that the change from Snow County to Garfield County was only a suggestion on his part. He did not make it a condition of his official signature. He suggested to Mr. Dalton, who urged him to sign the bill, that the name Garfield was expressive of genuine republicanism and manly greatness, and Mr. Dalton, anxious to secure the Governor's signature, presented the