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If your Hair is Thin, Brashy, Dry, Harsh, or Weak;

If you are troubled with Dandruff, Itching, or any Humor or Disease of the Scalp,

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## GOVERNOR'S MESSAGE.

TERRITORY OF UTAH,
EXECUTIVE OFFICE,
January 15th, 1884.

*Gentlemen of the Council and House of Representatives:*

By the laws of Congress approved March 22nd, 1882, this session of your honorable body is made one of extraordinary interest, both to the people of Utah and the country at large. The manner of conducting elections in the future is made dependent upon the action we may take, and it is my earnest desire that such measures may be devised as shall meet the reasonable expectations of Congress and the country and the requirements of the people of Utah. We are expected in discharging our duties as legislators to write such a code of laws as shall, while conserving the admitted local necessities of the Territory, be an assurance of our fidelity to the nation and satisfy the exactions of public opinion on questions in which Utah is regarded as not in harmony with other portions of our common country.

Whether we shall do this or not will chiefly depend upon you. With you will lie the initiation of measures looking to this result, if to you it should seem desirable, and if we shall be fortunate in perfecting those laws, by mutual consultation, and by reaching a common ground, we may in the conclusion of our labors, congratulate ourselves upon the consummation of a great and patriotic work. I assure you that I shall be proud to contribute to this purpose, and shall co-operate with you in its attainment, with all the earnestness and capacity I possess. With this accomplished, and not till then, an unbroken arch of States, reaching from ocean to ocean, will touch the mountains of Utah, while her fertile valleys inhabited by a frugal and happy people, will sustain a commonwealth, at once the rival and admiration of her sister States of the Union.

### PIONEERS OF UTAH.

This Territory was settled by pioneers who suffered much, and who marked the path of their long journey hence with the graves of their dead. Gathered as we are from every State and Territory, and from the lands beyond the seas; remembering as we do the story of their suffering, and enjoying as we are, benefits resulting from their labor, may we not unite in writing such a code, in grateful homage to the Government of the United States which gave to them and us these mountains and valleys and homes, and which continues to protect them and us against foreign and domestic violence by the strong arms which represent fifty millions of free Americans. To write such a code, in my opinion, is at once our duty, and I may say a necessity, in order to preserve for ourselves political privileges, which should be dear to every citizen. No Territory or State even without such laws may long hope to be kept clothed with privileges and franchises only for those citizens who revere the Constitution and laws passed in pursuance thereof.

A failure by us to write such a code, however honest many may be in mistaken interpretation of Constitutional law, will be a grave political blunder, far-reaching in consequent results. I do not believe a Legislature should write doubtful sentences in statutes, or permit laws that may be misinterpreted, to remain equivocal. Certainly such laws should not be written, at this time, in Utah. The people of the country will not fail to appreciate them, and to condemn them as they will be and should be. Laws which propose to correct evils, punish offenses, and to establish and perpetuate sound government, should have provisions for their thorough execution, otherwise it is better not to enact them. Let us then join together and in language of unmistakable loyalty to the Constitution, write for Utah a code of laws in harmony with the requirements of Constitutional law,

### ORGANIC DIFFERENCES.

With this message and with my cordial greeting to a co-ordinate branch of the Territorial government, I present with reasons the subjects of greater moment which are for your consideration, as is required of the Executive by the organic act.

The action of the Government under President Buchanan and later legislation of Congress for twenty and more years, and particularly of the last session, and legislation pending before the present Congress, the messages of the President and those of his predecessors, through many years, I present as conclusive evidence that in matters of government, organic differences exist between the majority of the people of Utah and the parent Government.

It has been charged before the country and Congress, that an ecclesiastical power established by Territorial statutes and held by many as sovereign, would not permit a Legislature to pass certain laws intended to be effective and in harmony with national law.

This is a fearful charge to hear in free America, and especially in reference to a Legislature deriving its existence from Congress, and which is paid for its services by Congressional appropriations from public funds out of the National treasury. To answer and silence so grave a charge, I will gladly co-operate with you in passing laws that will retire the affairs of Utah from the halls of Congress and forever bury out of sight the charge, that "ecclesiastical power dictates the legislation of Utah." I am sure Congress and the country will be gratified to see that our affairs may be settled at home, and I am equally sure that a near future will demonstrate that the great body of the people of Utah, with gratitude to you will regard them justly settled on the basis suggested.

I made an appeal to the last Legislature to pass such laws as were necessary "to assimilate the Territory of Utah with the country, in so far as laws and business are concerned." It was my purpose to avoid the necessity of Congress extending its correcting hand in the matter. That Legislature deemed it best not to act, whereupon Congress promptly passed what is known as the "Edmunds law." By this law many thousand citizens were denied the exercise of political privileges theretofore enjoyed by them; the election machinery of the Territory was suspended, and the powers and privileges exercised by citizens of the Territory were delegated to other hands. This legislation was the warning voice of the sovereignty of the Government of the United States. The men who see in the Government, or in those who may differ with them, only an enemy, are unwise. Such counsel followed to its conclusion means alienation.

The present condition of affairs cannot longer continue in safety, either to the United States, or the great body of the people of Utah. I know the difficulties in the way of many good people, and in sympathy appreciate them. If in my power, I would relieve them from their entanglements, their burthens and their disabilities, but "Constitutional morality" must prevail, or the nation must fail. The greatest good to the greatest number is the true rule of action. May we not in the broadest charity to all of us alike apply this rule, and together lift Utah from the position now occupied by her before the world, as "a thing apart;" and place her in accord with the country in every particular demanded by lofty patriotism and unfaltering obedience to Constitutional law.

Representatives of the people, you hold the future in your hands; allow me to strengthen them in the right and to stay them in the wrong, in so far as it is given me to know the right, and to appreciate the wrong, and only to say, that when clouds are seen, wise men should devise measures for the public good.

I recommend the repeal of all statutes which conflict with section seven (7) of the Organic Act. The Supreme Court of the Territory has decided this question, and presents the fact that there are not now, and have not been for years, any *de jure* Territorial officers. I ask the enactment of laws in accordance with this decision, which was held to be the law by the Utah Commission, and heretofore held by the Executive before your predecessors. The Territorial government is then, is administered in a manner different from that prescribed by Congress in the Organic Act, and to that extent it is an unlawful government, and I therefore ask that this important matter may be speedily adjusted.

### IMMIGRATION.

I ask the repeal of the law incorporating "The Perpetual Emigrating Fund Co." and the repeal of all laws making escheats results to this company, because, by this law the whole system of immigration is placed under the control of church authority, which is a subversion of republican government, and because these are laws, respecting an establishment of religion which are forbidden by the Federal constitution, and because escheats may properly result only to the sovereign power. I recommend the establishment of a bureau of immigration entirely free from ecclesiastical control and under the supervision of an officer or board of the Territorial government. A report of the number of immigrants brought into this Territory, the inducements offered, the means employed and what amounts have been paid into the Treasury of the Emigrating Fund Company, by Probate Judges and other officers of the counties or of the Territory, should be required for information of the Territorial government.

### CHURCH CORPORATION.

I ask the repeal of chapter five (5), compiled laws of Utah, because unwarranted and dangerous powers are therein granted to a church corporation, because it is a "law respecting an establishment of religion," because it vests ecclesiastical courts with authority, which may only be exercised in the United States by the civil courts, and if for no other reason because Congress by express statute approved July 1, 1862, disapproved of it, and yet the Legislature of Utah re-enacted it in the compiled laws of 1876. A law of the Territory having been disapproved of by Congress should not be allowed to remain on our statute books.

### POWER.

I repeat my recommendation made to the last Legislature, "That sheer justice demands the right of dower for wifehood. Unjust discrimination, unrest and untold suffering follow its denial. Every enlightened argument favors it. It is denied in no State or Territory except where something better is given." To bestow the right of suffrage upon and deny the right of dower or its equivalent, to woman is an anomaly. I earnestly urge that this right may not longer be withheld from the wives of this Territory.

### PUBLIC OFFENCES.

The fact that no laws are upon our statute books denouncing polygany, bigamy, adultery, fornication, incest or illicit intercourse as public offences, I submit is not creditable to Utah. I trust this Legislature will not fail to place the seal of condemnation upon these offences, made kindred by universal law.

### POLYGAMY.

The Congress in 1862 passed what is popularly knows as the Anti Polygamy Act, denouncing bigamy as an offence and prescribed a penalty. Charged with a violation of this law, one George Reynolds, who had a plurality of wives taken in obedience to, and with the sanction of ecclesiastical authority, was arrested, tried and convicted in the courts of Utah. The constitutionality of the act of Congress was the main issue after the evidence was heard, and this was made a test case. The Supreme Court of the United States in an elaborate decision declared the act to be a constitutional law, and Reynolds paid the penalty of his transgression. In the light of this pronounced constitutional law, I submit that you, the representatives of the people of Utah will be unjust to yourselves, unmindful of Supreme law, and cruel to those you represent, in failing to pass appropriate and final laws upon this subject with effective measures for their execution.

In support of this, my earnest recommendation I present for your guidance, potential reasons taken from the able argument of a distinguished jurist, the late Judge Jere S. Black, before the judiciary committee of the House of Representatives of Congress, February 1, 1883, made as counsel of the "People of Utah to discuss their rights and the power of the Federal government to control them." I agree with Judge Black in the lengthy quotation I shall make from the very basis of his powerful argument, on this subject, and trust that you may not disagree with him, and hope that we may unite on this common ground and solve what is termed the "Utah problem." After quoting from Mr. Grote, who he says, "is the most learned and thoughtful of all modern historians." "That fidelity to the fundamental law, which he terms constitutional morality, is the one indispensable condition upon which the safety and success of every free government depends." Judge Black declares that:

It is plain as the noonday sun that without constitutional morality every pretense of patriotism must be false and counterfeit. The man who says he loves this country, and yet strikes a fatal blow at the organic law upon which her life depends, shows his sincerity as Nero proved his filial affection when he killed his mother and mutilated her body.

A violation of constitutional law is not an offense which is ever made venial by the occasion. You cannot do evil that good may come. The evil is there and the good never comes.

No matter how unimportant the breach may seem; though small at first, it will widen like a crevasse in the Mississippi, until the whole stream of arbitrary power goes rushing through it. Besides, the grade of a crime is not measured by the extent of the particular mischief. Forgery is forgery, whether the sum obtained by it be great or small, and murder is not mitigated by showing that the victim was short of stature.

It often happens that legislators, as well as other men, feel themselves hampered by such restrictions; but that does not authorize disregard of them. You cannot break lawlessly over the Constitution because it confines you to limits inconveniently narrow.

In this country all men and all classes are equal. No one can lawfully say to another, "Stand aside, I am better than thou," and push him from his place on the platform of the Constitution. Superior sanctity is not a thing to be safely believed; it is easily simulated; it is often false; and when it comes into politics it is almost universally put on to cover some base and malicious design. The Scribes and the Pharisees were hypocrites.

By the decision of the Supreme Court in the Reynolds case, we find that the law of Congress forbidding polygamy, is a Constitutional law, declared to be so not by an individual or counsel, or an inferior court, but by the Supreme Court, which the Constitution makes a co-ordinate part of the supreme power of the United States. Agreeing with Judge Black, that a violation of constitutional law is not an offence which is ever made excusable by the occasion, I beg to say to you in his exact language, "You cannot break lawlessly over the Constitution, because it confines you to limits inconveniently narrow."

Let us devise such a statute, assisted by our local knowledge of what is necessary, that the national law prohibiting bigamy or polygamy shall be made effectual. It is true that Judge Black denied the right of Congress to legislate about marriage in a Territory; but this view of the case you may not take for the reason that if Congress does not possess that right it cannot delegate that right or any power to you as a Legislature, and all your acts are invalid.

If we grant, however, that Congress does not possess this right, then it follows that it has no power to establish any form of Territorial government. If the establishment is unwarranted, the whole Territorial government should be abolished by the repeal of the organic act, which is, in part, the recommendation of the President in his late message to Congress; and then we are left to consider only the second proposition, namely: What kind of a civil government, if any, may be given to the Territory? But the laws of an hundred years, and the recognition by this Territory for over thirty years of the right of Congress to enact this legislation finds it a settled question. The late decision of the Supreme Court in the case of National Bank vs. County of Otoe, [illegible] of Utah, which is as follows, [illegible] authoritatively:

"While all conduct is subject to decide whether the government of Dakota had authority to call an extra session of the Legislative Assembly nor whether an act passed at such a session or after the limited term of forty days had expired, would be valid, because, as we think, the act of May 27, 1862, is equivalent to a direct grant of power from Congress to the country to issue the bonds in dispute. It is certainly now too late to doubt the power of Congress to govern the Territories. There have been some differences of opinion as to the particular clauses of the constitution from which the power is derived, but that it exists has always been conceded. The act to adapt the ordinance to provide for the government of the Territory northwest of the river Ohio to the requirements of the Constitution (1 Sat. 50) is chap. 8 of the first session of the first Congress, and the ordinance itself was in force under the Confederation when the Constitution went into effect. All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the general government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

"In the organic act of Dakota there was not an express reservation of power in Congress to amend the acts of the Territorial Legislature, nor was it necessary. Such a power is an incident of sovereignty, and continues until granted away. Congress may not only abrogate laws of the Territorial legislatures, but it may itself legislate directly for the local government. It may make a void act of the Territorial Legislature valid, and a valid act void. In other words it has full and complete legislative authority over the people of the Territories and all the departments of the Territorial government. It may do for the Territories what the people under the Constitution of the United States may do for the States.

Therefore, it is your right and duty to act, and may, I ask, that you pass statutes looking to the suppression of polygamy in accordance with the requirements of constitutional law.

### MARRIAGE.

Marriage should be made by law a civil compact to be entered into only as between the one man and the one woman, and any other marriage under any circumstances should be declared void from the beginning. Should individuals, denominations or associations desire to impose any other and additional requirements or solemnities upon such civil contracts, they should be regarded as religious obligations only, and not to be enforced or annulled by process of civil law. Parties desiring to inter-marry should be required to secure license from the civil authority of the county in which the ceremony is to be performed, after giving bond with surety, and the license should be made a matter of public record. The minister, priest, civil officer, or other person solemnizing the marriage, should be required to report the same to the civil authority which issues the license for like public record. Penalties should be prescribed against any persons who unlawfully inter-marry, and against those who knowingly solemnize or witness an unlawful marriage. The confiscation of any place or premises should follow whereon the owner or owners, or those in charge, knowingly allow an unlawful marriage to be consummated.

### REGISTRATION AND ELECTIONS.

A registration and an election law in harmony with the requirements of the law of Congress, and looking to the future control and conduct of these important matters under Territorial law, are subjects for your careful consideration. Provision should be made that will allow citizens to register under careful regulations up to, and to vote on the day of election. Housekeepers and others entitled to vote otherwise, are debarred often by absence during the time in which registration is now permitted. Citizens moving from one precinct to another under the present registration law are often denied the right to vote when it is clear by reason of their known long residence they should not be denied the franchise.

### REVENUE.

Without means of official examination I cannot in detail know of, or determine the condition of the revenue of the Territory and its fiscal affairs, beyond the regular official reports of the Auditor and Treasurer, which I transmit for your information. With a view of increasing the treasury balance from persons and property now failing in whole or in part to bear a just proportion of taxation, and looking to the collection of delinquent taxes, I recommend that a committee or agent of the Territory, independent of the revenue officers, be named, who, in conjunction with the county attorneys, should have a supervision of these important matters. I am sure large amounts now lost to the Territory may be saved. Uniform and more complete assessments and closer collection of the taxes is necessary to save the Territory from an increased rate of taxation.

### STATISTICS.

The agricultural and mining interests of Utah constitute the basis of our prosperity. In addition to these, manufactures are being added. These interests can be cared for properly only when their conditions are known and carefully published from time to time. Inquiries from a distance cannot now be intelligently answered from an official source. A Bureau of Statistics should be constituted and a competent person placed in charge.

### PUBLIC LIBRARY.

Our neglected public library should be gathered together. The public books now in possession of the Governor and Secretary and other public officers, should be joined with the Supreme Court library, and this together with the Public Library, should be made available for the purposes set forth in the organic act. I submit that the present laws should be repealed, in order that the proper custodian may take charge of it, as contemplated by Congress.

### INSANE ASYLUM.

Two appropriations have been made for the Territorial Insane Asylum building—one for $25,000 and the second for $20,000. The County of Utah added $3,000, and the city of Provo $500. These amounts have been expended, and there remains an indebtedness of $9,200 beyond the appropriations. The Board of Directors has faithfully performed its duties, and has exhibited interest at all times in the labor imposed upon it. I trust you may be pleased to approve its work, to make an appropriation to cover the deficiency, to complete the building speedily and furnish it. A report of the Board of Directors will be laid before you.

### UNFORTUNATES.

Provision should be made for a House of Correction for juvenile offenders, and a House of Refuge for girls and boys, and for friendless and deserving women, and for the care of the deaf and dumb and the blind. If it is deemed unadvisable to establish institutions at the expense of the Territory, aid may be given looking to the care and education of these unfortunate classes.

### REWARDS.

The Governor should be authorized when, in his judgment, it is deemed necessary to offer proper rewards for the apprehension of criminals and to supply aid in executing the laws, when the ordinary process will likely prove fruitless.

### CLAIMS.

I invite your attention to the fact that from year to year the government has paid for the execution of process in criminal cases, and for keeping prisoners convicted under Territorial statutes until there is now charged against the Territory on the books of the government the amount of two hundred and thirty-seven thousand, seven hundred and seventy-two dollars ($231,772.00). Provisions for the adjustment and settlement of this claim should be made.

### EDUCATION.

If there be one duty from the Government to its people higher than all others—besides the preservation of life and property—it is generous aid to the Territories for the education of their children. I favor direct and immediate governmental aid for educational purposes. To make an appropriation of public lands, to be utilized only when they become States, is delaying a bounty at the expense of the weak and dependent Territory, to be paid to stronger and less dependent people in Statehood. Now is the time for the government to educate the children of Utah by establishing public schools free in every sense, to every child, and non-sectarian in every particular. The Government may do this and there is a surplus in the national treasury. If not direct aid let the amount furnished be charged against the Territory, to be paid out of the sale of the lands now set aside and to be utilized only in Statehood. There is now increased interest in the question of national aid to education, and I would be pleased to join in a memorial to Congress on this subject.

### APPORTIONMENT.

The present apportionment of members of the Legislative Assembly is defective in that the districts are in many instances so constructed that several members are chosen on a common ticket, instead of giving each locality—having the necessary population—the right to choose its own members. I recommend that the districts be so constituted that each shall have a voice without being overborne by a larger neighbor, which may be combined with it as now. This is true apportionment and local government; the other is consolidation.

The same objection applies to the manner of choosing municipal officers. Each precinct should have its own representative, elected by the majority of its citizens, instead of electing all, as now, on a common ticket.

### PUBLIC SCHOOLS.

I do not regard the public schools of Utah as free schools. Many of them are maintained, in part, by tuition fees. This makes a class distinction. In the great majority of them, I am informed, and in some I know, sectarian tenets are taught, and sectarian songs are sung. This is manifestly wrong, where taxes are paid in part by those who do not and will not willingly consent to sectarianism in public affairs. As public schools should be free, so school-houses should be disconnected from churches, and in houses located on premises the property of the public, school taxes should be collected by the regular tax collectors; separate collections entail unnecessary expense.

Another plan should be provided for the distribution of the school fund, and for the employment of teachers.

### COMPILATION OF THE LAWS.

The commission to revise and compile the laws—appointed by legislative authority two years since—have completed their work, and at an early day, will present their recommendations. The character of the gentlemen and their fitness for this duty, commend their recommendations to our highest consideration.

### TREE CULTURE.

I earnestly recommend a law and a bounty for the encouragement of tree culture. The Territory should offer inducements that will interest every land owner in this matter. A day in the proper season should be set aside for tree planting, and designated as Arbor Day.

### WATER.

The inauguration of a uniform and scientific system of irrigation is demanded. I am sure a system which will prove beneficial to the owners of water rights, and at the same time supply a much greater acreage than at present with the same amount of water can be applied with great advantage to the Territory. Provision should be made to induce the people by small bounties to increase the water supply by means of artesian wells throughout the Territory.

### MUNICIPALITIES.

Many of the villages and towns of Utah have cumbersome charters with unusual powers, and providing for a Mayor and Council and other officers, demanded only by large cities. These grants should be revised and corrected, and inexpensive town governments should be given where expensive and unwarranted grants are found to exist.

### DEFERRED MEASURES.

The postponement of important legislation to the last days and hours of the session will be unfortunate, and measures failing by reason of lack of time for their consideration, will not properly be chargeable to the Executive.

### CONCLUSION.

The yields of our farms and the increased output of our mines and manufactures, are gratifying. We enjoy largely increased railroad facilities. The growth of the Territory and progress of this city, our commercial centre and capital, are subjects of congratulation.

The near four years of my service as Governor of the Territory admonishes me that the official term for which I was named is soon to expire. In the Legislation that is before us I trust that no serious difference of opinion may be found; but, should there be, let intelligent patriotism prevail. To you and the good people you represent, may I express in kindness the hope that only constitutional law, either Federal or Territorial, shall be enacted; and when enacted, that such laws shall be held by all as supreme.

ELI H. MURRAY.


**Rev. Father Wilds' EXPERIENCE.**

The Rev. Z. P. Wilds, well-known city missionary in New York, and brother of the late eminent Judge Wilds, of the Massachusetts Supreme Court, writes as follows:

"78 E. 54th St., New York, May 16, 1882.

MESSRS. J. C. AYER & Co., Gentlemen:

Last winter I was troubled with a most uncomfortable itching humor affecting more especially my limbs, which itched so intolerably at night, and burned so intensely, that I could scarcely bear any clothing over them. I was also a sufferer from a severe catarrh and catarrhal cough; my appetite was poor, and my system a good deal run down. Knowing the value of AYER'S SARSAPARILLA, by observation of many other cases, and from personal use in former years, I began taking it for the above-named disorders. My appetite improved almost from the first dose. After a short time the fever and itching were allayed, and all signs of irritation of the skin disappeared. My catarrh and cough were also cured by the same means, and my general health greatly improved, until it is now excellent. I feel a hundred per cent stronger, and I attribute these results to the use of the SARSAPARILLA, which I recommend with all confidence as the best blood medicine ever devised. I took it in small doses three times a day, and used, in all, less than two bottles. I place these facts at your service, hoping their publication may do good.

Yours respectfully, Z. P. WILDS."

The above instances is but one of the many constantly coming to our notice, which prove the perfect adaptability of AYER'S SARSAPARILLA to the cure of all diseases arising from impure or impoverished blood, and a weakened vitality.

**Ayer's Sarsaparilla**

cleanses, enriches, and strengthens the blood, stimulates the action of the stomach and bowels, and thereby enables the system to resist and overcome the attacks of all *Scrofulous Diseases, Eruptions of the Skin, Rheumatism, Catarrh, General Debility,* and all disorders resulting from poor or corrupted blood and a low state of the system.

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I am grateful for the patronage received in the past, and I commend the firm to the public, assured that in the future we shall be more able, by promptitude and attention, to command the continued favors of all our old patrons, and to make by good workmanship many more new ones.

I am, with respect,

DAVID JAMES.

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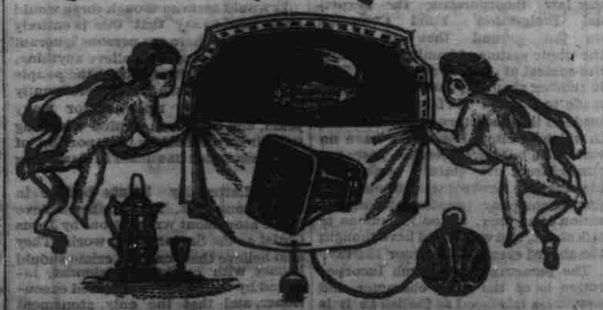

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