Utah Territory

Great Salt Lake City, Jany 31/54

Dear Bro. Bernhisel

I received no letter from you by the last mail, still I deem it necessary to keep you posted up in the affairs of Utah by every opportunity.

Winter has causedd a cessation of Indian hostilities, as all, or nearly all the hostile Indians are east of the Wasatch Mountains, and the snow interrupted their easy ingress and egress, to and from our settlements. It is difficult to determine from the various reports what Walker and his band contemplate for their spring operations, and I feel very easy upon the subject, knowing that their spirit will be for the welfare of the Saints.

The weather continued unusually pleasant until a short time past, but since then has been colder than we have before experienced here, the thermometer having been down to 18 Degrees below Zero at 1 o.clock A. M. however it is moderating again, and is now quite pleasant.

For the better understanding of all parties concerned, I herewith furnish you a copy of the first and last paragraphs of the instructions of the Treasury Deptartment to A. W. Babbitt, as Commissioner on the Penitentiary, as follows: "Congress having made an appropriation of Twenty Thousand Dollars by the Act of 3rd March, 1853, to enable the President to have a Site to be purchased, and a suitable building to be erected for a Penitentiary in each of the Territories of Utah and New Mexico, you are hereby requested to act as Commissioner for carrying into effect the provisions of said act, so far as regards the Territory of Utah." "In the selection of the Site, and in other steps and proceedings in the business, you will please consult with the Governor and act, as far as may be in concurrence with any suggestions he may be pleased to make.

Sometime after his arrival, Mr. Babbitt located the Site, and advertised for plans & bids. On examining the bids, Babbitt decided that the bid of Feramorz Little was the best, and accordingly Babbitt drew up a bond for Little to sign, conditioned, for the finishing of the work contracted for by a certain date. Previous to signing the bond, Little enquired how he was to to receive the appropriate goods to enable him to go on with the work, when Babbitt replied that he was not authorized to draw for one dime of the funds in question; whereupon Little expressed his unwillingness to sign the bond with a specified time to finish his contract, but not [express] understanding how or when he was to draw his pay, and there the matter rested, Babbitt remarking that he would take the plan and bid on to Washington, and make arrangements about the Drafts. Now I wish you to learn from the Treasury Department whether Babbitt had a right, under the instructions copied above, to draw on the Department for funds, for building the Penitentiary, or not; and also learn what representation Little's bid he makes to the Department and inform me; and upon request the Department to furnish me their answer on the subject of Babbitt's right to draw, under his present instructions.

It is really desirable that Congress and the Departments at Washington come visiting the early extravagance of Minnesota in her printing and other Territorial bills, upon any other Territory and make appropriations, and instruct Secretarys in a manner that will accomplish laudable designs and do justice to the Territories.

Secretary Ferris, during his stay here, pursued a narrow, miserly course in his disbursements for printinng and nearly all other bills, and when reasoned with upon the subject, plead his "instructions", "Minnesota" &c, and Secrerary Babbitt has Pursued the same course, and been still more penurious. ln this matter, Babbitt's Official course thus far has been even more annoying than Ferris' for he will remark, "that he has not been able to swell the expenditures of the appropriations for the Legislative Assembly, and for contingent and incidental expenses above $12,000, and the next Congress will doubtless cut the appropriation Down to $15,000, and he has done all he could to expend the $20,000, and cannot still more accounts be made out to increase the expenditure? That he really wishes to expend the whole, if he can do so, and keep inside of his instructions &c." These remarks he has repeatedly made, and sufficiently often has he been plainly told how he could attain the end he professed so much to desire, and act justly,----but all to no purpose, the reply being invariably, "Oh, my instructions," and, "O! my bond," and 'O Congress and Elisha Schottberry [Whittlepey] and the Department. Well, that being the end of argument he pursues his own course which it must be admitted , is very economical for the funds of the General Government (unless he pockets, as office perquisites the balance that should be paid,) but very annoying and unkind to Utah.

For your edification I will mention a few examples of the economical doings alluded to Either by him [?] Agent, the candles when called for, are carefully counted out for the use of the Assembly Committees and Clerk, and while burning are frequently observed, and at the earliest moment regular business stops, they are blown out and [?] long or short, are carefully deposited for reissue Now this operation is very economical, When paper is sent [wanted] for it is often dealt out by the single sheets, or doled in ridiculously small quantities; and pens every description of the small variety of Stationery are governed by the same meticulous the Same principle the Governor has been required to cut a good share of the wood burned by the Assembly, and still more economical, that burned in the Secretar es office. Ferris had com [?] and bought [?] rush bottomed Kitchen chairs, a few rough tables, and two small desks for the Assembly. Babbitt got the chairs by [?] instead of selling them at Auction as he should have before the Assembly met, and replacing them with others that would at least be somewhat comfortable and decent. However there are slight indications of reform, to a certain extent, as he has sold the old chairs, since the adjournment, and talks of getting a more appropriate set

You will perceive at once that such a course, and his plea of "Instructions" etc, when driven to the wall, disgusted the Assembly, and all the course left was patience, and the passage of a "General appropriation Bill" which amounts to over $20,000, which should be paid upon the strictest construction, and now falls far short of amounts of what is requisite to pay those Territorial expenses which we deem should be paid by the General Government, but are ruled out by the construction, and instructions as interpreted by our Secretary. For instance the full amount of the Bills for printing should be audited and paid by the Secretary in full, and not by the allowance of a pitiful per centage, on account of the old sins of Minnesota; the expenses incurred in electing our Delegate and members of the Assembly should be paid by the Secretary, or rather all election expences; all guards for members of the Assembly on their way to the annual session, and back, when circumstances, as is often the case, render a guard absolutely necessary; the Code Commissioners and the Clerk; Office rent, lights, fuel, and Stationary, should follow the same rule of payment, as are a creation of and most able Co-workers with the Legislature in their legitimate capacity. But let these <few> instances suffice, for the obvious suming up of the matter is, that Congress should appropriate for and pay our Government expences of a Territory and the Legislative and Executive, or Judiciary when the latter should not or cannot be paid by the party, or parties

You can now understand that I shall be pleased to have you keep yourself thoroughly posted on the doings and conduct of the Treasury Department with regard to this Territory and keep me informed thereof, and use your judgment and efforts to prevent Babbitt & Congress or any one else from withholding just appropriations, for you are aware, that unlike the men about to be sentenced who simply ask for Justice at the hands of the General Government

I also wish you not to spare your skill and influence to procure an appropriation for the Code Commissioners; that would perhaps be better, to procure instructions for the Secretary to pay their Salaries, when legitimate expenses as they may fall due from time to time, say quarterly, until we can formulate equitable code of laws.

In case Babbitt's boasted influence is at any time in your way, please inform Senator Douglas, or any other you choose, that his very course, at home and abroad, all testimony prevent his having an influence worth talking about [?] prevent any person of ordinary observation from having any confidence in him, and should any one suppose that we are so blind as not to see it, please inform him that A. W. Babbitt could not be elected to the office of Taskmaster or even Time keeper, in Utah, unless, forthwith the office must be filled and no other person could be found who would accept of it. Still, for our part, he has done well, at times, and could again if he would give his common sense fair play.

I enclose the Memorials passed by the Assembly during their last Session in 1853-4. viz. for $5000 for the University; for a Convention for a State Government; for necessary Mail routes; for Treaties with Indians; to defay the expenses of the Indian Wars; for $50,000 for State House; and for a Rail Road to the Pacific.

You will doubtless take the best course your judgment will permit, under the circumstances, to accomplish the designa of the Memorials now sent, as also, of those already in your possession, which have been passed by former assemblies, except those which are obsolete or suspended by those sent now.

With regard to the payment of the Code Commissioners, I am satisfied it would be a better arrangement for all parties to have the Secretary instructed to pay their Salaries and expend it quarterly, and under the same head as the Legislative expenses, until we can get out a proper code of Laws, but if you cannot effect this, of course you will easily be able to obtain a suitable appropriation for the past and future expenses of that Commission, for in addition to sheer Justice, you have the precedent of an appropriation of the same character to New Mexico. In case the matter takes the shape of an appropriation, the sum should not be less than $5000, for payment of Services already rendered at $3.00 per. Day, will require $2460. which does not include office rent, fuel &c, and which yet remains for the Commission to complete. Furthermore it is our wish to have the allotted term of the Annual Session of the assembly extended to 90 Days, and to have the 5 [?] Section of the "Organic Act" give the Governor the same authority and powers to act in the Secretary duties, during the Secretary's absence, as it now does the Secretary during the Governor's absence.

You will also be furnished with the proceedings of a mass meeting on the subject of the Pacific Rail Road held in this city on the 31st inst. which may aid your operation with the Assembly Memorial on that subject.

As Bro. F. D. Richards will leave here on the 1st of March, on his way to England, and will visit you, hence I omit details on some matters that I prefer to have Bro Franklin inform you upon.

My health continues to be quite good for winter weather, as also that of your family, and the people generally. President Willard Richards has been quite unwell for several days past and the event of his recovery is uncertain. As a matter of policy, I shall send you a short letter by Mr. A. Babbitt, who is going to Washington by the South Route, and Isthmus.

Ever praying my father in the Heavens to aid and guide you by his Spirit in the accomplishment of your duties. I remain your Bro. in the Gospel

Hon. J. M, Bernhisel

Washington City. D. C.

P. S.

In case you learn that the Post Office in this City is vacant, I wish you to endeavor to have Elias Smith appointed Postmaster.