

DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - June 10, 1874.

THE CONSENT OF THE GOVERNED.

THE "consent of the governed" is the basis of the government of the United States, general and local. It is the great fundamental principle upon which the Union was founded, and in right and justice it is equally applicable to all American government, Federal, State, Territorial, county, and municipal. In the Federal and State governments it is allowed, but in Territorial governments it is not allowed, not allowed fully, only in part. This inconsistency, this injustice, was a wrong to begin with, but it is, if possible, a much greater wrong now. This refusal to allow the Territories self-government equally with the States, is a relic of the old European monarchical colonial system, a relic of the "divine right" of kings policy, a policy arising out of the old idea that the country and the people were owned by the king, that the king could do as he pleased with his own, and that, whatever he did, he could do no wrong. This notion in part obtains in these United States, as evidenced by the practical denial of the full right of self-government to the Territories. There is in this country an idea, though indistinctly defined, that the Territories belong to the administration and to Congress, and that the administration and Congress can do what they please with their own; consequently that fundamental and constitutional principles apply to the Territories, so far as Congress and the administration will allow, and no further, and therefore that the Territories have the right to self-government so far, and so much, as Congress and the administration will allow, and no further, and no more. We say Congress and the administration, because both are concerned in making laws for the Territories, and the latter, in administering some of them, has power to so administer as to practically allow the people of the Territories self-government. For instance, in the appointment of Federal officers for a Territory, the administration can, in its discretion, appoint those who would be the choice of the people, or those who never would be the choice of more than a small fraction of the people, if choice were allowed them.

We have said that it is, if possible, a greater wrong, a greater injustice, a more glaring inconsistency now to deny the Territories full power of local self-government, in common with the States, than it was in the early history of the Union. Here are some reasons. The north-western territory, to which the territorial system and policy of the United States was applied by them a few years after the establishment of the Union, was then practically remote from the seat of Federal government, in great part a *terra incognita*, very thinly populated, and its people and resources were very little known; it was also adjacent to and in part bounded by alien territory and people; these facts, with that of the Union being then but recently established, on new principles, and only an experiment at best, may be taken as mitigatory of the inconsistency and wrong of not allowing the people of that territory full self-government. Besides, the united colonies, having but recently broken off from dependence on monarchical institutions, naturally had many monarchical traditions, which in some things must have colored the governmental policy of the federated colonies more or less, notwithstanding their proclaimed democratic-republican principles. None of these reasons can be urged now in favor of refusal to allow the Territories to enjoy the principle of self-government to an equal extent with the several States of the Union. The Territories

and their resources and people are pretty well known; there is not the least ground of apprehension that the people of any Territory would play into the hands of an alien power, nor that any alien power would engage in such a conspiracy; the United States is no longer a raw national experiment, it has successfully withstood the insurrection of a third of the States, and surely now can have no fears of any possible disaffection in the Territories; and both Congress and the administration and the people have had abundant time to outgrow monarchical tradition, though, as in the matter of slavery, so in that of territorial government, they have kept behind some monarchical governments and people in yielding to progress and the liberalizing tendencies of the spirit of the age.

"Consent of the governed" includes all such things as equal and inalienable rights, representation with taxation, popular suffrage, limited veto if any, etc., none of which do the Territories enjoy, but which all the States do enjoy in common.

Again, as to the early north-western territory, in the ordinance for its government, even at so early a period in the history of the Union, express provisions were made for extending (not contracting) the fundamental principles of civil and religious liberty which formed the basis upon which the united colonies or federated republics, their laws and constitutions, were erected, and to fix and establish those principles as the basis of all laws, constitutions and governments which might be thereafter formed in said territory, also for the establishment of States, and permanent governments therein, on an equal footing with the other States, as early as consistent with the general interest, not as late as possible, after the people of that territory should have been kept out of the Union to the last moment, on one unconstitutional pretence after another. That territory and the States that might be subsequently formed therein were to be subject to the federal constitution, and to all the laws of Congress conformable thereto.

The bill presented in the lower house of Congress by Mr. Steele, and referred to the Committee on Territories, to authorize the people of the Territories to elect their own officers, if passed will be but an act of right and justice, redeeming Congress from liability to the charge of partiality in favor of citizens in States and to the prejudice of citizens in the Territories. That there is need of such a bill, becoming law is indubitable. Some of the federal appointments for this Territory and some of the local gubernatorial appointments would not be sustained by more than from one-twentieth to one-tenth of the votes of the people. This is a sad commentary upon the fundamental American "consent of the governed" principle, the flagrant and persistent violation of which, says the Declaration of Independence, is such ample justification of insurrection as to make it the actual right and duty of a people so afflicted "to throw off such government, and to provide new guards for their future security." Let Mr. Steele's bill be promptly passed.

THE POLAND SPOILIATION BILL.

WE published the Poland spoliation bill some days ago. As it passed the House on Monday, so far as we have learned, one or two amendments were made to it, the principal being that the territorial legislature may provide for the election of a prosecuting attorney in any county, who can commence suits in the county under the laws of the Territory, or aid in suits carried up to the District Court; costs and expenses of all prosecutions under territorial laws to be paid out of the territorial taxes; the clerk of the district court and the judge of the probate court to annually select lists of names for grand and petit jurors.

We may refer to a few of the objections to the bill. In the first place and generally, it is open to the insuperable objection, common to all the Utah proscriptive bills, that its main object is still further

to restrict the power and the voice of the people, and concentrate power in the hands of half a dozen federally-appointed officials, contrary to every republican principle, contrary to the Declaration of Independence and the principles upon which the federal government was founded.

By this bill the territorial marshal and attorney are abolished, and their duties are devolved upon the United States marshal and attorney, in whose choice the people have not the shadow of a vote, nor are their wishes regarded in the matter in the least degree. The U. S. marshal can appoint an unlimited number of deputies, to act for him, and the U. S. attorney may appoint an unlimited number of assistants.

The Supreme Court of the Territory is authorized to appoint an unlimited number of commissioners to take acknowledgments of bail, etc., and to sit as committing magistrates with the authority of justices of the peace.

The territorial legislature is not allowed to elect notaries public, but the Governor is empowered to appoint an unlimited number of notaries public.

Here are four distinct new classes of federal or federally appointed cormorants, displacing officers elected by the legislature or the people, and authorized to feed upon the local taxes, paid by the people, or upon the other substance of the people. And yet this is a nation established upon the principle that all rightful government rests upon the "consent of the governed."

Not one-tenth of the people here would vote for the governor, the judiciary generally, the marshal, the attorney, the deputy marshals, the assistant attorneys, the commissioners, or the notaries public, authorized to hold office by this bill. And yet this is a government resting upon the "consent of the governed!"

How are these cormorants to get at the people's pockets?

First, the bill provides that all costs and expenses of all prosecutions under territorial law shall be paid out of the territorial taxes. His is a very pretty piece of business, worthy of the worst piece of monarchical despotism in the Colonies. Here are at least a hundred thousand citizens of a vain boasting republic, without any choice in the selection of their rulers, without any ultimate voice in making one law under which they live, paying a large amount of federal revenue without the slightest voice in the making of the revenue laws, paying a large amount of local revenue, and even this local revenue is to be placed at the mercy of an unlimited number of federal or federally appointed cormorants! And yet this is a country where the government rests on the "consent of the governed," which was established on the principle of no taxation without representation, and which fought against the parent government with the defiant battle motto of "millions for defence, but not a cent for tribute."

Second. It is expected, by virtue of this bill, that proceedings against the marriage customs of the majority of the citizens can be instituted under the common law of England; it is provided in this bill that nine-tenths of the community shall be incapacitated for jury duty on account of their religious belief alone. Of course that is a glaring unconstitutional provision, but what do many federal judges for the Territories care about the Constitution? The nine-tenths of the people thus incapacitated from jury service are thus made the easy victims of the one-tenth, who will lose no chance to prey, and many of whom have no religious principles at all, neither fearing God nor regarding man, only so far as lucre is likely to result. Further, the U. S. district judge is empowered to pull a man's domestic relations to pieces, and tear up his property, appropriating it, according to his Honor's discretion, if he has any, or whom, if he has no discretion, for lawyers' fees, and, if any remains, dividing it among parties whose relation to the defendant the bill does not allow. Was there ever before such a chance for hungry lawyers, needy and greedy marshals and attorneys, and malignant and unjust judges as this infamous Poland spoliation bill provides?

WARRANTEE DEEDS for sale at the NEWS Office.

EXECUTION OF THE LAWS.

MOST if not all of the Utah proscriptive bills have been prepared ostensibly to aid in the execution of the laws and the administration of justice in this Territory. This is what the Poland bill is for, professedly. This is what Woods, McKean, Maxwell, Carey, the whole Utah "ring" rookery are after, so they say.

Who believes them? Who believes that the principal instigators and concoctors and pushers of these proscriptive bills have any such regard for the execution of the laws, etc.? When McKean came here he made a terrible fluster about executing the laws. Did he try to execute them? No. But he did try to pervert them and he did hold illegal court with illegal officers, trying to illegally incarcerate respected citizens. Much expense thereby was occasioned to those illegally prosecuted citizens, which it would be well for McKean to refund before the interest thereof rises to a figure he will not like to meet. Justice would require him to repay to the uttermost farthing, and he may meet stern-browed Justice some day, when he is not in a condition to get away or put in any demurrer. It is to be feared things will go hard with him then, and his hair will grow whiter and his eyes more sunken.

Has any one of the "ring" ever betrayed any anxiety to have the laws executed and justice administered in Utah? Not that we are aware of. But they have persistently tried to deprive the people of the rights of American citizens, to deprive them of the franchise, to deprive them of the right to sit on juries, and to have them judged not by a jury of their peers, but by a jury of their enemies, and by a prejudiced and unjust judge. These are something like the facts.

Has not the Chief Justice, since the U. S. Supreme Court checked his illegal course, refused to have any juries, refused to execute any laws or administer any sort of justice in the most important cases? This he cannot begin to deny. To him and the "ring" who sustain him may be laid the charge of more persistently opposing the execution of the laws and the administration of justice than any other people in Utah and probably in the whole Union.

This profession therefore of regard for the execution of the laws, etc., is the most empty of pretensions, the most thorough of farces, and the various bills which the "ring" have been attempting to have passed by Congress, should rather be claimed to be for the execution of the people and the confiscatory administration of their property, for that is the true character and intent of all those bills.

LOCAL NO OTHER MATTERS.

FROM FRIDAY'S DAILY, JUNE 5.

Fifth Year.—Our contemporary, the *Herald*, entered upon the fifth year of its existence this morning. Its career has been lively and prosperous.

Beef.—Brother Barber, of Smith, field, who is in town to-day, says there is an abundance of beef in Cache yet, notwithstanding the cattle losses of last winter, and things generally are prosperous throughout the valley.

Delegate Cannon.—It will be seen by a press dispatch, to-day, that the Committee on Elections have refused, by a vote of six to five, to report on Hazelton's resolution for the expulsion of Delegate Cannon.

An Example.—This morning a young man was fined \$2.50 for allowing his team to stand unhitched and unattended upon East Temple Street, giving it opportunities to run away, which the animals took advantage of. A few more examples of this kind would perhaps tend to induce teamsters to be more careful than they are in general.

From Tooele.—Mayor Andrew Galloway, of Tooele, is in town. We learn from him that there is a fine prospect for an abundance of fruit in that part of the Territory.

He confirms the report, received here the other day, that about one hundred Indians had been baptised

lately, by interpreter Lee, at Deep Creek.

Runaway.—To-day a couple of mules, attached to a wagon, started up East Temple Street, from the front of Z. C. M. I. retail grocery premises. The runaway collided with another wagon, knocking the box off the latter. These lively mules were stopped when they reached the corner opposite this office. The wagon was loaded with grass and the donkeys probably thought the fodder was at the wrong end and they wished to chase it around as a kitten does its tail.

Respect for the Departed.—To-day the fellow-workmen—masons and stonecutters—of the late Henry Eccles, who died yesterday afternoon, of lung disease, assembled on the Temple Block, to the number of between forty and fifty. Each had on a blue masonic sash, and all formed into a column of two abreast and marched, in this order to the Fifteenth Ward school-house, to attend the funeral services of the deceased, who was held in much esteem, as an honest, upright man, by all who had the pleasure of his acquaintance. He labored for many years on the public works, and occupied the position, on the Temple Block, of foreman or judge of the stonecutters' work.

Bountiful Branch.—Yesterday two meetings, which were largely attended, were held in the Bountiful Tabernacle, and a branch of the United Order was organized at that place. President Geo. A. Smith and Elders Orson Pratt, John Taylor, and Geo. B. Wallace were present and addressed the people.

The following officers were elected—

President, Anson Call's 1st Vice-President, Wm. Atkinson; 2nd Vice-President, John Stoker; Treasurer, John Telford; Secretary, William Thurgood; Assistant Secretaries, Chas. R. Jones and Jaren Tolman; Directors, Sidney Kent, Wm. Brown, John K. Crosby, Joseph Holbrook, Chas. W. Mann, Henry Tingey, Orin Hatch, Geo. D. Grant, Henry Rampton, Thomas Briggs, and John Moss.

Severe Accident.—Last Tuesday a very severe accident occurred at Tooele to a lad about seventeen years old, named Sims, son of the late Elder George Sims, a former resident of this city. Himself and Mr. Moultrin were engaged in hauling brush, in Middle Canyon. Mr. Moultrin descended from the load, and without thinking about the lad getting down, picked up an axe and struck into the rack. Young Sims was descending at the time, and the blow came down upon his right hand, severing it in two, excepting a little tag of skin. Dr. Dadds attended to the injury as soon as possible. He joined the detached portion of the hand to the remaining part of the palm, and bound up the injured member. The Doctor is of opinion that the unfortunate youth will never regain the use of the hand.

Fanaticism.—One of the most glaring evidences of religious bigotry and fanaticism was given by the clique the other day, on the arrival of the news that the Poland bill had passed the House of Representatives, when they published a circular, headed "Glory to G-d." This smells powerfully of religious persecution, as well as fanaticism. However great the efforts may be to make the aggressive movement against the "Mormons" appear other than a religious crusade, its real character will crop out occasionally. We may say, in this connection, however, that some of the more conservative of the crusaders are heartily ashamed of the fanatical course of the majority of their fellow persecutors, or at least they think their actions unwise, and calculated to injure the bad cause they have espoused.

Geological.—The following is an extract from a letter from Mr. F. B. Meek, of the Smithsonian Institution, at Washington, to Prof. J. L. Barfoot, of this city, in answer to some inquiries made by the latter regarding some geological specimens from the vicinity of the Warm Springs. As it bears upon the question as to whether it is probable that coal deposits exist in the latter vicinity, it will, on that account, be interesting to some of our readers—

"The fossil you sent is a *Productus*, apparently nearly related to the form we generally call *P. Prot-*