Published Daily, Sundays Broop AT FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY CHARLES W. PENROSE, EDITOR. Feb. 13, 1883. CONGRESS AND THE TERRI-

-- BVENING NEWS

TORIES

WE publish to-day a synopsis of the argument of Judge Black before the Judiciary committee of the House of Representatives, in relation to the special legislation against Utah. The report is taken from the New York World, Of course it is far from complete, but it gives some idea of the gist of the argument and shows that it is thoroughly democratic. That the right of self-government inheres with the people, is a proposition that no believer in the prinpleses that enter into the body of the Constitution of the United States will attempt to dispute. But there seems to be an impression upon many minds that there is some essential difference between the rights of the people in an organized State and those of the people when

on the public domain outside of the States. From this has sprung the notion that Congress has absolute power over the latter. We regard it, and have always regarded it, as a political heresy, and it is clear that the eminent jurist whose remarks we publish views it in a similar light.

The Cincinnati Times Star thinks that Judge Black will "hardly be able to carry his point," and says: "It is understood that the au-thority of Congress over Utah is as complete and absolute as its juris-diction in the District of Columbia." Yee, it is so understood, because that complete and absolute power has been exercised without resist-ance. It is admitted that Congress derives all its authority from the Constitution. And yet that instru-ment conveys no such jurisdiction able to carry his point," and ment conveys no such jurisdiction as that which in this instance has been claimed by the legislative department. On the contrary the ex- SHALL SELF GOVERNMENT AND clusive jurisdiction of Congress is limited to a district of country not exceeding ten miles square, with the exception of places belonging to the government, such as arsenals and military forts. Judge Black may not be able to carry his points, for truth and justice are often thrust

we have quoted. That the "territory and other property" referred to in the Constitution means land and other material possessions of the United States, about which it may make rules and regulations in the States as well as elsewhere, must be evident to every one who wishes to understand and does not desire to mystify and pervert. And it was in the exercise of this power that Congress stipulated, when recogniz. ing the powers of the Utah Legis. over all rightful islature subjects of legislation, that the property of the United States should not be taxed, but attempted no interference with the authority of the Legislature in matters affecting the people or any of the local in.

ent claiming the exclusive juris-

tion of Congress from the clause

cise it as you p

terests of the Territory. The argument of Judge Black when it comes before the country in fall, will awaken new thoughts and cause careful consideration of the important questions presented, and we have no doubt that a very large proportion of the reflecting will come to the same conclusion as the Brooklyn Daily Times, which declares that the reasonings of Judge

ernment has only succeeded in pro-ducing rancor and hatred. It has had a full trial. The Mormons have been oppressed enough. Now let mercy tamper the dealings of Gen-tiles with the 'peculiar people' and the result will be more satisfac-tory. The Mormons are a quiet, thrifty, industrious people and fi let alone, can be made a use-ful portion of the population. To grant them the same privileges of jury trial and self-government that are accorded to the residents of every other section of this country, is a solemn duty that Congress can not

CIATION OF THE EDMUNDS BILL AGAINST HUMAN RIGHTS LIGIOUS FREEDOM BE STRUCK DOWN IN AN AMERICAN TERRITORY. FIDELITY TO FUNDAMENTAL LA

THE CORNER STONE OF FREE INSTITUTIONS. We take the following synopsis of

surrounding water, carrying them one hundred or more pe piliaged by their enemies. But let t be understood that I am not asking for mercy. If you have the The depois were a one story structure, resting on MeLenn "There are many reasons which naturally incline an American statesman to do all the harm he to melt, and the catastrophe was to melt, and the catastrophs was further hastened by the breaking of the sewer, which sent a current along the bank. Crowds of people have been in that vicinity looking sibly can to the people They are powerless to resist it. The have not a single vote in the nation

al legislature and cannot exercise al legislature and cannot exercise have been in this supposed the the slightest influence on a Presi-dential election. They are excluded from all political rings; they cannot be anybody's competitor for the spoils of office; they can make or mar no scheme to save or squander the public money. On the other hand, the whole country outside of their own Territory is populous with their enemies, whom you must con-cillate and gratify If you can do so with a safe conselence for they have hand, the whole country outside of their own Territory is populous with their enemies, whom you must con-cillate and gratify if you can do so with a safe conscience, for they have votes and power and influence which will not be opposed without danger. "The religion which the people of Utah adhere; to with so much te-nacity is regarded in other parts of the country with extreme dislike, as the mere superstition of an upstart

"The religion which the people of Utah adhere; to with so much te-nacity is regarded in other parts of the country with extreme dislike, as the mere superstition of an upstart sect. No man, however, who has the faintest perception of Christian principles, thinks it right to kill or plunder or outlaw them for holding an erroneous faith. From real Chris-tianity there comes no howl for the blood and property of the Mormons. But in other quarters the most ran-corous hatred breaks out. By some famons preachers the policy of killto sink.

clares that the reasonings of Judge Black are "freighted with good sense," and remarks further as fol-lows: "Severity on the part of the gov-ernment has only succeeded in pro-ducing rancor and hatred. It has had a full trial. The Mormons have been oppressed enough. Now let mercy temper the dealings of Gen-tiles with the 'neculiar records' and The Inundation CINCANATI, 13 .- The river at o'clock is 64 feet and rising slowly. It will certainly reach 65 feet before it begins to fail. The weather is cloudy and warm. The water works engines are all idle and water in the among the imprisoned people in the tenement houses. Relief boats are busy visiting all such places with ample means at hand to prevent all suffering.

d Alarm-The Floor

HARLENTOWN, Ind., 13. - There hantheniows, inc., is. — There is no loss of life so far as we can learn but the damage here will be very heavy; cannot be estimated till the water goes down. It is now about three feet higher than last February, and up to this morning has raised about an inch an hour. Lynchburg is entirely covered, Mormon candidate known to be de-feated by a majority of more than 15 to 1, nor will we attribute any sordid motive to those residents of Utah, official and private, who busy themselves here and at home to break down the Territorial Governentire village of Hardentown is cov-ered and some of the people have had to abandon their houses entire-

Shawnestown, Ill., 13.—The river is rising an inch and a quarter an hour. Citizens moving into the second stories of their houses; much

break down the Territorial Govern-ment, seize its offices and grab its money. Their righteons souls are vexed from day to day by the mere fact that sinful men are allowed to live peaceful and prosperous lives. They are aniusted solely by disin-terested seal for the advancement of the Lord's kingdom, which in their judgment would be much obstruct.

M. WHIGHT, representative will be happy to expl forth by this old, i take out an endowment policy.

Go to P. W. MADSON'S for Cup boards and Lounges.

DIED.

Sum ARMAN .- At midnight, February Ini W. H. 8h at aged 41 years, 2 mo and 25 days. The most devoted and her. To know her was to love her.

tin of the late James Phillips. Currants, mily, in August, 1878, to Sait Lake OR where she resided till her death. She died

Dehesa Funeral services at the 1th Ward School onse, to-morrow at 19 o'clock. Milleunial Star planse copy.

WARTER.

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reservoir only enough for six days. Thepolice report no increase of crime consequent on the lack of gas last night. A brick dwelling house on Fletcher street fell this morning, no lives lost. Much sickness is found proved Machinery. hand. Can all any or

shortest notice. Satisfaction guars n-test. Local orders can be left at the Co-op. Furniture Store, opposite Valley House, or at the Fac-tory, corner 6th South and 3d East Streets.

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in contact with it, and not unfre- sub-headings and all:

that supreme law on his side in the discussion of these questions, and nothing but sophistry and expedi-ency can be brought in opposition to his reasoning. And it will be-come quite a question in the minds of rational people op-posed to the "Mormons" whether it is worth while to trample upon the country's guide and standard, to permit the exercise of powers for which there is no legitimate au-thority, to wink at gross usurpation by the law-making department, for the sake of stamping out an unpop-ular religious system, or even sup-pressing a practice which the mul-titude consider improper and un-chasts.

chaste. There is another question relating to this subject that is worth onsidering. Supposing that Congress had the right to pass the Organic Act by which the was the very principle that true us thing called a Territorial Government was established in Utah, was not the power given to the Legislature of the Territory over "all rightful subjects of legislation?" And if so, can Congress rightfully interfare tharewith by passing laws on local matters which it has en-dowed the local law-making depart-

aside, and it has become the fashion Judge Black's argument on the ed by the further continuance of to ignore the Constitution when rights of Territories, from the New free government in Utah. some measure of party policy comes York World of Feb. 5, head-lines, BUT WHAT RIGHT HAS CONGRESS

in contact with it, and not unfrequently to argue that the palladium of popular rights is bahind the times and to be opposed when necessary to the scoomplishment of some-thing claimed to be requisite for the good of the country. But they who frame the law should keep the law, and the instrument which limits the powers of Congress, as stated above, is the supreme law of the land, binding upon Congress, the States and the peeple allke, so far as 1t, applies to either of them. Judge Black has that supreme law on his side in the mothing but sophistry and expedi-tion of the country, and the states and the states and the supreme law of the source of the so

"Mr. Grote, the most learned and thoughtful of modern historians, has shown by diverse examples that fi-delity to the fundamental law— which he terms constitutional morality-is the one indispensable con-dition upon which the safety and success of every free government must depend

> CRIME AGAINST LIBERTY AND JUSTICE.

"These enactments, made and proposed, are in the main a compre-hensive bill of pains and penalties, not against persons guilty or supposnot against persons guilty or suppos-ed to be guilty of polygamy or any other hurtful crime, but against peo-ple known and acknowledged to be innocent. They are intended to disfranchise whole masses of free public lands with the consent of the Federal Government. When these people colonized themselves beyond the limits of the States they did not leave their liberties behind them. The freedom of the community results necessarily from the freedom of the individuals that compose it. This was the very principle that triumph-ed in the success of our Revolution. luce them to the con tion of sinves and deprive a com-munity of its natural and constitu tional right to an honest govern ment of its own. For such a there is not only no warrant in Constitution but it is expressly ed in the success of our Revolution. No one can deny it now except for reasons which would have made him a Tory in 1776. The right of local self-government is reserved by the Constitution to the people of the Territories as distinctly and clearly as to the States. A subject upon which Congress cannot legis-iate in a State is manifestly beyond its neuror in a Territory.

Madison, 13.—Not much damage here so far, though the railroad depot is flooded and the track under water for some distance. All trains stop at the toot of the hill. The river is swindles. Whoever deals in any but the genuine will be prosecuted. Hor Bir-THES MFG. Co.

still rising.

New Albany, Ind., 13.—The river cose 18 inches last night and is still laing. All the houses and factories along the river are abandon water got into the glass works fur-naces last night and the fires are all naces last night and the fires are all out. Mr. Depauw will lose at least \$100,000. About 3,000 persons are out of employment. No estimate can be made of the losses yet, but from 800 to 500 families have had to move. Every available foot of the high ground is filled. The railroad track between here and Jefferson is abandoned and ferry boats only are making occasional trips to the Ken-tucky side. Helens, Ark., 13.—The river has risen 15 inches in the past 24 hours. People are preparing to repair the

People are preparing to repair the bad places in the levees at once.

The Electric Light.

Boston, 13 .- The board of alder men passed an order for the entire city to be illuminated by the elec-tric light.

New Wine From Apples.

NEW YORK, 18. - The Herald asys; From the long fruitful vine-yards of Ohio comes the complaint esys; From the long fruitful vine-yards of Ohio comes the complaint neard sconer or later in all the grape growing countries, that a peculiar blight is affecting the vines, lessen-ing the yield and compelling the up-rooting of many vines. This is bad news, but as concerns the wine, the growers will be the principal suffer-ers, for apples grow nearly every-where in the Northern States, and from their juice can be made, and is made in great quantities, an alleged wine, that millions of self-styled ex-perts cannot distinguish from the genuine article. **JODELU** ine article.



The French Prince.

Paris, 13 .- A compromise is hope for on the question of the expulsion of the Orieans Princes on the basis of Senater Barbey's proposal, ren-dering the Princes Hable to expul-sion by decree of the President of the Republic.



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