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WEEKLY.

TRUTH AND LIBERTY.

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THE DESTRUCTION OF FISH.

PLEASANT VALLEY, Utah,
July 30, 1882.

Editor Deseret News:

What would you do, supposing you lived in a valley remote from any officer of the law; that the streams around you were abundantly supplied with beautiful trout; that there were a half dozen sawmills filling these creeks with dust, rendering the water unfit for household purposes and destroying all the fish both small and great?

This is the condition of affairs in this valley and has been all summer. We are about thirty miles from a justice of the peace or we should have made complaint ere this. We are getting tired of such an imposition and something must be done. Who are the proper authorities to consult and what course should we pursue?

Yours respectfully.
VIVA VOCE.

The practice complained of by our correspondent is too common in this Territory, and should be stopped at once. The laws for the protection of fish and game ought to be enforced. If they continue to be disregarded, as they have been in many instances, streams now abounding in trout and other edible fish will be denuded of these desirable articles of food and the waters rendered unfit for culinary purposes. The law passed at the last session of the Legislative Assembly and approved March 9, 1882, provides that "Every person who puts into the waters of this Territory any poisonous or explosive substance, or *anything that is injurious to fish, or* that renders the waters *unfit for household purposes*, is guilty of a misdemeanor." The penalty for this offence is imprisonment in the county jail not exceeding six months, or a fine not exceeding three hundred dollars, or both.

In the case described by Viva Voce the distance from the nearest Justice's court makes it inconvenient to enter legal complaint. But it appears to us that the magnitude of the offence warrants a little extra trouble in bringing the offenders to justice. Such reckless disregard of the public good ought to be met by energy on the part of individuals directly injured. But the law provides a remedy which should meet such cases as this. Section 11 of the Act quoted above says: "The county courts of the respective counties of this Territory shall, at the December term in each year, appoint a fish and game commissioner * * whose duty it shall be to see to the enforcement of the laws for the protection of fish and game," etc. This will not take effect until next December, but a similar law is in force with the exception that the word "may" is used instead of "shall," and the term of court when the appointment of the Commissioner may be made is not defined. Appeal should be made at once to the authorities of Emery County, and if a fish and game commissioner has been appointed, he *should* be invited to look up this case immediately, and if not, an appointment ought to be made without delay.

There is a society with headquarters in this city which has been quite active in promoting the public welfare in this direction, and it is not unlikely it would assist "Viva Voce" in the enforcement of the law in this case, if communication was made with its officers. John Sharp, Junr., is President of the Fish and Game Society, and L. S. Hills the Secretary. We are not authorized to make this statement, but do so from what we know of the objects and disposition of the society.

While on the subject of the preservation of fish, it will be in order to call attention to the fact that the water ditches in this city and places adjacent, daily contain large numbers of small fishes, which are caught by the boys, making lots of sport for them, but calculated to greatly diminish the fish product. The law of 1882 provides that any person or corporation taking water from any stream or lake that contains fish, "shall be required to place across the head of such canal or ditch a grating of horizontal bars, not more than one inch apart," etc., to "prevent the fish from escaping into said canal or ditch." We understand that the City Council is taking measures to provide gratings for the Jordan and Salt Lake City Canal; other corporations or companies for irrigation purposes should take a similar course, honor the law and preserve the fish.

There is no need to descant upon the advantages of a fish diet, or the *loss* to the Territory which would follow the wholesale destruction of the denizens of our mountain streams and lakes, let the laws be enforced and the troubles complained of will cease. Now, will not wood-sawyers in the mountains and irrigators in the vallies, comply with these proper regulations and thus save themselves and the public needless trouble and unnecessary expense?

PUBLIC WANTS D PUBLIC OFFICERS.

CASTLEDALE, Emery County,
Utah, July 29, 1882.

Editor Deseret News:

Myself with others, wishing to get a little information on a subject which interests us at the present time in this locality, we take the liberty to enquire through the columns of the NEWS in regard to the powers of County Courts in relation to county roads. When the majority of the people in a precinct petitions for a county road which is not only for the benefit of the people in the precinct, but different parts of the county and is also the only road traveled by the public at the present time, no remonstrance being put in against said road, except a verbal one by a member of the court, we wish to know if the people have any rights that the County Court should recognize, or if the selectman of a precinct is supposed to work for or against his constituents? Please reply and oblige

LIVE AND LET LIVE.

"The powers of county courts in relation to county roads" are clearly defined in the "Act pertaining to Highways," approved Feb. 20, 1880, and among them are these: "To divide, where not already done, the county into a suitable and convenient number of road districts;" to cause to be surveyed, viewed, laid out, recorded, opened, and worked, such highways as are *necessary for public convenience;*" to cause to be recorded as highways such roads as have become such by usage or abandonment to the public; to abolish or abandon such as are unnecessary," etc.

From the letter of "Live and Let Live" we are unable to determine whether he and his friends want a new road laid out, or an established road worked and improved. But in either case it is supposable that the County Court, composed of officers elected by the people to act for the interests of the people, will consult the wishes of the people and study "the public convenience." Those officers are the servants of the people, not their masters and dictators. But at the same time there is of necessity a certain amount of discretian conferred upon them, and they are not supposed to be guided and controlled by any individual or faction, but in the matter of highways, in the language of that phrase of the law which we have italicised, provide such as are "necessary to the public convenience." And the County Court must be the judge of what is necessary for the general public, not merely for the benefit of any given section of the county.

Many considerations enter into the determination of questions such as this. The financial ability of the county; the necessities of the case viewed generally rather than locally; the benefits likely to result compared with the outlay; other demands of a similar character which may be more urgent and meritorious; and sundry and divers interests that the men looking after the whole county can understand and determine better than the people in a certain section; all need to be weighed and compared.

It would ill become us to decide upon the questions propounded, with the limited information imparted by the above letter. The selectmen are *elected* to their offices. If they do not carry out the wishes of the people, they can be left out when their term expires. They are under bonds to perform the duties of their office faithfully. But they are not under any legal or moral obligation to comply with the wishes of every person or combination of persons with private notions of public necessities, or they would be perpetually in hot water.

It is impossible for a public officer to please everybody. And while any public servant manifests a disposition to do the best he can for the general good, he should be sustained in his position; but if he is disposed to regard his own notions or interests as above the wishes and necessities of the public, he should be shipped as soon as possible to make way for one who will observe both the letter and spirit of the law governing his position. Offices in sparsely settled regions are often very "unthankful," and so are the people who choose men to fill them. The public should be reasonable, the officers should be public spirited and approachable.

UTAH ELECTIONS AND "ONE-MAN POWER."

THE telegraph this morning brought word that the Senate on Wednesday agreed to an amendment to the sundry civil appropriations bill, introduced by Mr. Hoar, authorizing the Governor of Utah to appoint officers to fill vacancies in the Territory caused by failures to elect successors to the present incumbents. This was amended, on motion of Mr. Brown, to limit the tenure of office of the appointees to eight months. The bill will have to go back to the House, where the amendment is quite likely to be concurred in, but may possibly be changed or rejected.

This is all in accordance with the scheme concocted with the object of taking the offices now in the gift of the people of Utah out of their hands, and placing them in the power of a very small minority well known to be enemies of the great majority. The election as well as registration offices having been vacated by the Edmunds law, and no appointments having been made by the Commissioners, the regular August election for county and territorial officers cannot be held, if that portion of the law relating to election offices is valid. And even if it is invalid, if no judges of election have been appointed and no election notices have been given according to law, the August election cannot be legally held. It is assumed by the promoters of the scheme that the election failing, a number of vacancies will occur, and if the power to fill these can be obtained for the Governor, some of them at least will fall to their lot.

But let us examine this assumption. Does it follow that, the August election failing, the offices which should be re-filled at that election become vacant? We think not. And we have conversed with no lawyer whose opinion would be counted as of value who decides differently. The present incumbents of the offices in question have been elected, not only for certain terms which expire on the first Monday in August, but also *"until their successors are elected and qualified."* It would seem to us that little, if any, argument is necessary to show that in the event of a failure to elect a successor to any of these offices, or of the failure of an elected successor to qualify according to law, the old incumbent would hold over, this provision being plainly implied in the terms defining the tenure of the office. The bonds of these officials would clearly continue in force also, being given with that contingent understanding. The bond covers the term of the office. For whatever time the officer was elected the bond is a guaranty. It lasts while the term continues. And the term in each of the cases under consideration extends until a successor is elected and qualified.

The failure of the August election, occurring through no neglect or malfeasance of the officers holding over, there is nothing in the way to prevent their lawful continuance in the positions they occupy, and the attempt to place these positions in the gift of the Governor, is simply a part of the plot which finds feeble expression in the Edmunds law. That enactment did not meet the end designed. It only provided for a small part of what was expected. And that was so far short of the full scheme that it disgusted its promoters, if anything, worse than the people against whom it was designed. But this movement in the Senate gives them new cause for encouragement, although the power of appointment provided in the bill is but "a little brief authority."

We are of the opinion that the "eight" months tenure, as reported in the dispatch, is a mistake of the telegrapher. An appointment for eight months would expire on the 7th of May, 1883. There is no election provided for at that time. The probability is, that the intended tenure of the appointment is for *three* months, as that would fill up the interim from the August election till the November election of this year. It is possible that the figure 3 has been mistaken for 8. On the 7th day of November an election should take place in this Territory for a Delegate to Congress. It is quite likely that the intention is to provided for supposed vacancies (which however, as we have shown, will not necessarily exist), from the 7th of August till the 7th of November, thus giving time for the Commissioners to reach Utah and make their appointments of registration and election officers, and so combine the election for territorial and county officers with that for Delegate to Congress.

The question may arise, is there any provision in the law for the registration of persons whose names do not now appear on the lists, yet who may lawfully claim the right to be registered? We think there is. In the first place, the old lists remain, and the voters registered therein are "registered voters" within the meaning of the law. There is no such thing as re-registration under the statute. The name once there abides unless stricken from the list for cause judicially established; but it may be changed to another precinct. The annual revision of the registration list being prevented by the provisions of the Edmunds law, and the time having passed when it should take place, what can be done previous to the November election to make the list complete? Section 5 of the registration law answers the question. any voter whose name is not on the *list can appear before the proper officer*, during the week commencing on the second Monday in September of the present year, and on taking the prescribed oath obtain registration.

If the Commissioners come here as announced, by the 15th of August, they can appoint the registration officers in ample time to attend to this business, and so the lists can be made complete and ready for the election in November.

As there is not the slightest necessity for any arrangement whatever to provide for offices in this Territory that should be filled by election this month, particularly for the short interval between the August and November elections, how can the attempt to confer such large appointive powers upon one person be viewed in the light of reason and republicanism? It is not an arbitrary and dangerous establishment of "the one man power?" The Nashville *American*, treating of another subject, made use of these remarks, which apply pertinently to the question now considered:

There is danger in the one-man power whether it is found in Vanderbilt and Gould, in Arthur, in the speaker of the Senate, or the supposed contempt of law in the person of the Speaker of the House, whether in one section more than another, or in any form of monpoly, whether in gold to the exclusion of silver, whether in national banks, in a grinding taxation, in that power that promotes the far-reaching troubles of the unfair employment of government civil servants, in any one of all these evils, the sin of consolidation is conspicuous and unseemingly bold.

It is certain that the exercise of such large and irresponsible authority is a gross violation of the principles on which this Republic is founded, and of the genius of its Constitution. Here is an organized commonwealth with all the machinery of local government; not an unformed or inchoate community. The people have acquired vested rights of self-government, as sacred as the right of property, which they have exercised for many years. Under their Organic Act they have a right to elect their own local officers, and now, without any necessity whatever arising for making appointments through any channel, one man is to be endowed with the right to fill those offices at pleasure. The individual thus to be endowed is not an officer of the people, but is himself appointed without any consultation of their wishes, by authority which they have no voice in establishing. If this is not rank despotism from beginning to end, where will you find it on the face of the earth?

There has been a great deal of foolish talk about the "one man power" in "Mormonism." Yet there is no such thing, in the sense declared by its enemies. And now the very people who pretended to be opposed to "one man power" are supporting it and have worked hard to obtain it. This is one of the inconsistencies which they exhibit so numerously. But it will not last long enough to please them, neither will they reap as many advantages from it as they have anticipated. If the law be framed to the effect named in the dispatches, it will give but short opportunities for misrule, and then, should the laws of Congress and the Territory be observed and enforced according to their letter and spirit, the popular rule will be re-established and the temporary "one man power" become defunct.

It is to be hoped that when the bill containing the anti-American provision comes up again in the House for review of the Senate amendments, the non-necessity of the establishment of such arbitrary and dangerous *authority will be* made plain, and the shameful and needless addition will be stricken out. The lawless and high-handed course of the Governor in the matter of the Delegate's certificate was well understood in the House of Representatives, and the rebukes he received from prominent members of that body for his assumption and disregard of his official oath, were more stinging and sweeping than anything administered by the people whom he insulted and defrauded. It would be a mark of weakness and folly to place in the hands of the same individual whom many members of that body so strongly denounced, power which no one man ought to wield, be he ever so just and unpartizan.

Congress has done some queer things during the session now drawing to a close, and if this amendment becomes law it will be one of the queerest. We are of the opinion, however, that ignorance of the exigencies of the case is the cause of the proposition to which the Senate has assented, more than a determination to throw down and stamp upon the rights of the people of Utah. The law-makers know little of the facts and requirements of the case, the wireworkers do understand but wilfully misrepresent, and take advantage of the ignorence of the powers that be. The more the "Mormon problem" is handled, the more it is demonstrated that only by doing extreme violence to the fundamental principles of government can the solution of that question be attempted by national authority.

DESERET HOSPITAL CONCERT.

THE Deseret Hospital is an institution worthy of the support of the Latter-day Saints. We are pleased to learn that it is receiving encouragement from many sources. It has been established through the energy and perseverance of ladies of this city who had the public welfare at heart, and were in a position to see and feel the necessity of such an institution. The subject of its inauguration has been mooted for several years, t, although efforts were made to take steps leading to its establishment, nothing practical was reached until recently. It is now an existing fact. An association has been formed, the hospital has been formally opened, patients have been received, money has been donated to sustain it, and everything about it indicates success.

Of course funds are needed for an institution of this kind, and every little helps. One of the methods adopted to raise means in its aid is a grand concert to take place on Thursday evening, August 10th, in the large Tabernacle of this city, which will be illuminated for the occasion by seven electric lights. The scene will be very attractive and novel, as an audience in that immense and unique building has