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CHARLES W. PENROSE, EDITOR.

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"TAP IT ON THE HEAD."

IN the Senate of the United States, on June 23rd, as appears in the *Congressional Record* of June 24th; an animated discussion took place over a bill creating the Oregon Short Line Railway Company, a corporation in the Territories of Utah, Idaho and Wyoming. The bill, after several objections, which displayed the ignorance of Senators on the object of the measure and of many things relating to the Territories, was passed by a vote of 39 yeas against 3 nays. We have nothing special to say against the bill but wish to call attention to some things stated in the debate.

After the controversy which arose over the Edmunds bill, it would be naturally supposed that members of the United States Senate had become somewhat familiar with affairs in the Territories, at any rate in the Territory of Utah. But from questions asked and replies given, it appears that little knowledge on the subject obtains in the upper House of Congress.

In answer to a question from Senator Jones, of Florida, asking "How often do the Territorial Legislatures in those Territories sit?" Senator Hawley replied, "Once in a year or two." He also stated that Utah has "no general railroad law," and that its Legislature will sit next winter. The gentleman who undertook to give the information desired, knew no more about it than the gentleman who was asking for it. The Legislatures of the Territories are held biennially; the Utah Assembly does not meet till 1884, and there is a general railroad law in this Territory, giving all the powers requisite for the Oregon Short Line, or any other railroad company to incorporate, and Senator McMillan was doubtless correct in his argument that, the Territories "are fully competent to grant all the powers sought, and are the only proper authorities to confer those powers."

The territorial Legislatures are endowed with power over "all rightful subjects of legislation" within certain limits defined in their Organic Acts. They should be left to the exercise of these powers over all things which affect them locally, and Congress ought not to interfere unless these delegated powers are used improperly or neglected when it is necessary that they should be exercised. But there is a growing disposition in the National Government to dominate, and to wield arbitrary power, such as was not contemplated by the founders of our institutions and does not comport with the genius of republicanism.

This could not receive a stronger illustration than is conveyed in the language of Senator Hawley during the debate. Said he:

"This is the simple truth and doctrine of the matter: All the power that the Territories have over this question is obtained from the Congress of the United States. We can overrule any general law they may make on the subject; we can overrule any special charter they may give to any railway company. They are children of the government in every respect. We can charter railroads through and across up and down any Territory in the United States, without asking the permission of anybody in that Territory; and if all the people in the Territory shall agree to charter a railway that we do not like, we have simply to tap it on the head and it is dead."

It is often stated that "Utah has not a republican form of government." This is urged as an argument against "Mormon" influence, which is falsely accused of being opposed to republican institutions. But while the argument is incorrect the previous statement is true. How can a republican form of government prevail in a Territory under such arbitrary and irresponsible powers as those claimed for Congress by Senator Hawley? "If all the people in a Territory agree" on any subject of legislation, under powers conferred by Congress, no matter how necessary the law may be, how just, how consistent with the Constitution, a body of men in whose election to office the people of that Territory have no voice or vote, can just murder the law by tapping it on the head, and the people chiefly interested in the measure have no redress.

We would ask, what better argument than this could be offered in favor of the admission of Utah into the Union? for Congress has extended the Constitution and laws of the United States over them and the territory which they inhabit. But they are denied a republican form of government and prevented from having it as long as they are kept from statehood, by that body which the Constitution from which it derives its powers declares shall guarantee to every State a republican form of government.

In giving to the Territories power over all rightful subjects of legislation, Congress acted in the spirit of that Constitutional mandate. For it is presumable that the guaranty was intended to apply to incipient States as well as to fully organized and perfected commonwealths within the Federal compact. But in its interference with those delegated powers, and in the arbitrary exercise of such monarchial authority as claimed for Congress by Mr. Hawley, there is no resemblance to a republican form of government, it is rather in the image and likeness of the most absolute despotism that ever cursed a people in abject bondage.

If the powers so plainly defined by Senator Hawley may be wielded at will over large and important bodies of citizens in this great country, is it not time that the system which authorizes their exercise was itself "tapped on the head" or stamped out of existence, as utterly at variance with institutions built upon the recognition of the inalienable rights of man? We think so. And the simplest and easiest way out of the inconsistencies and incongruities of the anti-republican territorial system, is to give to the Territories as quickly as possible that form of government contemplated in the Constitution, and make them free States, sovereign States, republican States, in which the voice of the people shall rule, and not the edicts of a few men, irresponsible to the citizens ruled over, and having power to destroy any measure designed an desired by those citizens, by simply "tapping it on the head."

AN ERROR IN THE NEW BOOK OF LAWS.

THE Laws of Utah, passed at the Twenty-fifth session of the Legislative Assembly, are now being distributed by the Secretary. An Act to Amend Title XX of the Compiled Laws, contains an error which needs pointing out and explaining. The mistake is in Section Nine and will be found on page 75; it reads as follows:

"All that portion of section 1207, from and after the word 'time' in line four of said section, "is hereby repealed."

Reference to section 1207 of the Compiled Laws, will show that no such word as "time" occurs in line four or any other line of the section. Comparison of the bill signed by the President of the Council and Speaker of the House and finally by the Governor, with the original bill that passed both Houses, reveals the fact that Section 1267 of the Compiled Laws is the section designed to be amended, and the error was the mistake of the enrolling clerk in copying. The responsibility, however, rests with the committee on enrollment, whose duty it was to examine and compare all enrolled bills with the originals.

The mistake is one that could be very easily made, especially in the haste of the closing days of the session. It is due, however, both to the Secretary and the Public Printer, to place the responsibility in the proper place, as neither of those gentlemen are in any way to blame for it.

Now as to the effect of the error. The amendment intended to be made by the Legislature was to strike out the following from the Civil Practice Act:

"The demurrer shall also be accompanied by an affidavit by or on behalf of the defendant, by himself or his agent, or attorney, that the demurrer is not interposed for delay merely."

The object in view was to relieve the defendant from making this affidavit when demurring to a complaint. Whether the intent of the Legislature is to be defeated by this clerical error, will have to be determined by the Courts if any one chooses to test it. However, it will not be a matter of very great moment if the law stands without the intended change for two years more. The failure of section 9 will not injure the rest of the amending act. It makes many important changes in the law which attorneys will appreciate better than other folks, and the one erroneous section will not render invalid the other 33.

A slip explaining the mistake will be inserted in the book containing the laws of 1882, opposite the section containing the error, and as it is clear that section 1207 was not intended to be amended as described—that being impossible—and that section 1267 is the section meant, it is not at all improbable that the Courts would rule in favor of the right of a defendant to omit the affidavit to a demurrer; but this involves a risk which every good lawyer will be sure to consider. Mistakes will happen, but if there is one place more than another where they ought to be avoided, it is in legislative enactments.

THE UTAH COMMISSION.

ACCORDING to a dispatch published in last evening's NEWS, the Utah Commissioners talk of meeting in Chicago to organize before coming to this Territory, and they do not expect to arrive here in time to do anything in relation to the August election.

The organization contemplated, if Mr. Pettigrew is correctly reported, is no doubt intended as preliminary. The Secretary of Utah is constituted the Secretary of the Commission. The organization cannot be perfected without his presence. But the gentlemen of the Commission, finding Chicago to be the most central and convenient point at which to meet previous to proceeding to Utah, can assemble there, make their preliminary arrangements, and agree in relation to the first steps to take on arrival, without the presence of the Secretary.

The non-arrival of the Commissioners in time to do anything in regard to the August elections, need have no ill effect upon the Territory. There is ample provision in the local laws for the several offices which should be filled at that election, and there is not the slightest need for any difficulty concerning the management of affairs in the respective precincts and counties or in the Territory at large.

Delegate Cannon is reported as saying that all the people of Utah want is that the Commission should carry out the letter of the law. Whether he is reported correctly or not—there is always a doubt about these telegraphed statements—we endorse the sentiment. If the Commission will perform the duties enjoined upon them by the Edmunds Act—nothing less and nothing more—the people of Utah will not complain nor seek to hinder them. We have our views as to the validity of certain parts of the law and claim the right to hold them, also, if necessary, to test them. But this need not interfere with the discharge of the duties imposed upon the Commission, or disturb the relations which will necessarily be established between them and the citizens of this Territory.

THE PROBABLE RESULTS.

IN answer to questions from a correspondent from the place where Senator Paddock resides, concerning the Utah Commission, the Omaha *Bee* quotes from the law defining their duties, gives a few explanations and then makes the following comments:

"It will be seen that the duties of the commission are merely to disenfranchise actual polygamists. As these are numerically few when compared with the whole Mormon population, there is no hope that the territorial legislature will be in Gentile hands. The relief which the board will cause will be only temporary, as the powers of the commission close when the legislative assembly is organized. What is there to keep affairs when this takes place, from falling at once into the same old rut with the sole exception that voting and holding offices by a small minority will be prohibited. Like all other commissions created by the present Congress, the Utah commission is merely a means to meet a popular demand by the appointment of a how-not-to-do-it board of commissioners."

THE POST-MORTEM.

JUST when newspaper men were congratulating themselves over the settlement of Guiteau and his affairs for good, they are stirred up again with disgust by the squabble over the *post mortem*, the long details given by the doctors, and the question as to the value of looking into a dead brain to find out the responsibility of a condemned man while living. We shall not devote a great deal of space in either of our columns to the technicalities of the surgeons, nor to their conflicts over the remnants of the corpse. But we will say a word or two in regard to the propriety of the *post mortem*.

Of course it is absurd to suppose that the grey pulp taken from the skull of the dead assassin will disclose anything definite in relation to the living soul once a part of the being now divided. The spiritual substance that gave life to the brain and that received impressions through its wonderful organism, could not be reached by surgical instruments, or be discerned by the most powerful microscope, even while present in the living body. And now it has fled, leaving nothing but the dead clay, it is still further, if possible, beyond the researches of the most astute practitioner.

And yet it was quite right to dissect that cadaver and examine that brain. For though the normal conditions of the organ would not prove the man to have been sane, yet if abnormal conditions had been found—indurations or lesions or other derangements — they would have been strong evidence to show that he was insane, and it was desirable to determine that matter as far as possible.

The weight of the brain cuts but a small figure in the question. Quality more than quantity has been repeatedly proven to determine the force, activity and value of that organ of the mind.

We do not think the *post mortem* examination will determine anything in regard to the moral and intellectual status of the assassin, but we concede that something might have been discovered which would have helped to settle the controversy concerning it, and therefore think it was quite right that the dissection and examination should have taken place. But the sooner the subject is dropped the better we shall be pleased.

THE "CONSECUTIVE POLYGAMISTS."

THE Article by Dr. Bacon, in the Princeton *Review*, which we noticed at length in the NEWS, has created a profound impression on the public mind and caused quite a flutter "down East." The New York *World* declares that "New England throws up the sponge before the first round has been fought," and quotes from the Springfield *Republican*, which is a prominent Massachusetts organ, in support of this statement. The *Republican* says:

"The publishing of New England divorce statistics, and particularly the work of Rev. Mr. Dike, of Vermont, has led to newspaper comments upon the special wickedness of this part of the country which has become tiresome."

What a difference it makes whether one speaks of the special wickedness of other people, or hears his own special wickedness talked about! The notice taken of the consecutive polygamy of New England has become "tiresome" already to the pious Puritans of the easy-divorce States, and they cannot endure a taste of the same sauce which they have been so fond of serving up to others.

It has been frequently remarked by the Latter-day Saints that the most lecherous men and loose-minded women are the bitterest opponents and the most vehement denouncers of "Mormon" plural marriage; and it will be found on investigation that the consecutive polygamists of strait-laced New England, who set at naught the obligations of the Scriptures which they are so ready to quote, and trample upon their marriage vows, prompted by lust and motives of the most debasing character, are strong and outspoken anti-"Mormons," against the binding marital relations of the Latter-day Saints and give themselves airs as though they were horrified at such "unholy alliances."

The *World*, touching on the weariness which they experience over the comments of the press upon *their* "peculiar institution" says:

"New England has never shrunk from making a tremendous bore of herself when it seemed to her to be her duty to comment upon the 'special wickedness' of other parts of the Union. She must learn, therefore, to bear with more patience the criticisms and the admonitions of less demoralized communities upon her social weaknesses and offenses. Let her imitate the patience with which Utah bears the hectorings of the Hoars and the chatter of the Daweses of Massachusetts."

The difference is that Utah has become accustomed to abuse, while New England has only been used to flatteries in harmony with her own boastings. "Mormon" marriage has been an object of attack for thirty years or more. Puritan polygamy—worse in practice and effect than the former is even alleged to be—has only attracted attention recently. And the people whose doings are now held up for animadversion have figured as the *ne plus ultra* of "Christian civilization," as respectable, and religious, and *American*, as to be in the sublimity of their own estimate beyond all criticism. Therefore does this gallled New England jade wince at the unexpected wringing of its withers.

Another great difference in the two cases is that while "Mormon" plural marriage is defensible on scriptural grounds, being similar to the system upheld and practised by the holy men of old, whom the New England "Christians" point out as patriarchs and prophets of *God*, the Puritan consecutive kind of polygamy is emphatically condemned both in the Old and New Testaments, as an abomination that God hates.

And one more point of dissimilarity is that the noise and tumult raised against the Latter-day Saints are based upon unfounded rumor and downright falsehoods, while the statement of the wickedness of the New England beat-the-devil-round-the-stump polygamists are founded on facts and supported by figures which they cannot weaken or deny. No wonder that they get terribly tired of hearing and reading about their immoral and indefensible course, while the "Mormons" "grin and bear" the accusations of their enemies with an equanimity born of conscious integrity, and fostered by the spirit which helps the slandered to "endure all things."

However, it is vastly amusing to see these New England anti-polygamy quacks compelled to swallow a few doses of their own physic, but we have no idea that it will have any permanent results. They are too far gone for recovery, and its only effects will be to make them very sick for a season.

LOCAL AND OTHER MATTERS

FROM FRIDAY'S DAILY, JULY 7.

Mementoes.—We have been shown, by Mr. Carter, photographer, a number of stereoscopic views of the old folks' festival at Liberty Park. They are interesting mementoes of the notable occasion.

Tooele Crops.—Mr. W. C. Rydalch is in town from Tooele. He states that the crop prospects in that valley are very flattering. The harvesting of oats and barley has already begun. If the wheat can be harvested before the usual summer floods dash down from the mountains, a large yield will be realized.

Fatal Accident.—On the evening of July 2nd, a Glendale, on the Utah and Northern Railroad, Tommy Longley, aged about five years, was run over by a wagon and died in about three hours after the accident. He was attempting to jump off while the wagon was in motion.