

or individual, is contrary to the Constitution and ought to be opposed by every lover of his country. The position we took on this ground we believe to be impregnable. And we are satisfied that it is sustained by every principle that enters into the theory of that system of government which was set up on this land to supersede the government established here by the British crown.

We are well aware that the practice has been different from this theory. And we understand the difficulty, and as may be considered almost hopelessness of the task, of combatting anything that has the strength of long usage and the backing of judicial decisions. Yet these do not affect a question of right. Custom, precedent, the dicta of courts or other authorities cannot of themselves destroy any true principle. And it is the right, if not the duty, of every citizen to stand up for constitutional doctrine and constitutional liberty, no matter what may stand in the way.

If there is one thing plainer than another in the theory of the American system of government it is this: That all governments derive their just powers from the consent of the governed. Therefore, any government forced upon people without their consent is unjust and contrary to the genius of American republicanism. It is also an established truth that the people, not the officers or authorities chosen by the people, are the source of all political power. Therefore the proposition that any portion of the people in the United States depend upon Congress or any national authority for the rights of freemen, is fallacious and hostile to the spirit and letter of republican government.

The power assumed by Congress over those anomalous organizations called Territories, has no warrant whatever in the instrument from which every department of the National Government derives its powers. Those who claim for Congress the right to legislate directly for the Territories, to appoint officers to govern the people without the consent of the governed, to tax them without real representation and to do other things to which the people of the Territories have to submit from necessity, not as a matter of right, are compelled to go outside of the Constitution to look for the source of that power, and are obliged to fall back upon the plea of expediency and those general powers which they aver should be vested in all national governments. Therefore is their argument baseless, and the claim they set up groundless. For, one of the undoubted and distinguishing peculiarities of the Government of the United States is its welldefined limitations over which it cannot lawfully pass, specified in clear and unmistakable language in a written Constitution by which it is firmly bound.

On this point President Andrew Johnson, in his veto message to Congress March 2, 1867, laid down the following irrefutable statement:

"This proposition is perfectly clear. That no branch of the Federal Government, executive, legislative or judicial, can have any just powers except those which it derives through and exercises under the organic law of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all."

The National Government, then, must find its authority to legislate for the Territories in the Constitution or it cannot find it at all. The only power of "exclusive legislation" granted to Congress in that instrument is mentioned in clause 16, section viii, Article One, and is limited to the District in which is the seat of government, and those places purchased by the Government for forts, magazines, arsenals, dockyards and other needful buildings. The clause in Article Four, which gives Congress power to "dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States," as has been shown so many times, cannot be construed, without torturing the language and attaching to it meanings which the context disproves, to have any bearing upon individuals—the people—organized or unorganized in a political capacity. It means as it says, "territory," land, which the Congress may dispose of and make rules concerning. If it gives power to make rules and regulations for the people, then it gives power to dispose of them: to sell them or to do the same with them as with any kind of property belonging to the United States.

It will be claimed by our opponents that the Supreme Court of the United States has ruled on this question more than once, and decided that Congress has power to govern the Territories. But it will be seen on careful examination that the court of last resort has never given definite reasons for this conclusion, but has merely assumed it as foregone. In the American Insurance Company vs. Canter, the Court said:

"The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be

the source whence the power is derived, the possession of it is unquestioned."

In the National Bank vs. The County of Yankton, the court said:

"It is too late to doubt the power of Congress to govern the Territories."

And, "There have been some differences of opinion as to the particular clause of the Constitution from which the power is derived, but that it exists has always been conceded."

If the source of this power is to be found in the Constitution it would be easy to point it out. That instrument is a marvel of perspicuity and definiteness. It is easy to say this power has been "conceded," and is "unquestioned." But it is not so easy, in fact is impossible, to show authority for it in the Constitution, for it is not there. It has to be inferred and assumed, and when once assumed, to say that it is conceded is no argument at all. Indeed it is not true. Many eminent statesmen and lawyers have denied the existence of this power. Among them were Hons. Lewis Cass, Stephen A. Douglass, Matt. H. Carpenter, Jeremiah S. Black and other celebrated authorities.

If this power is not specifically granted by the Constitution it does not exist, for the Government, as we have proven, has no authority whatever but that which is named in the Organic Act of the nation. And it is against the assumption of powers not given to the National Government that the people of the United States ought to protest, and set their faces like flint. It may seem a small matter to the people in the States that the rights of citizens are invaded in the Territories. But let the National Government be permitted to exceed its lawful powers in one instance, and it will do the same in another. Encourage or wink at usurpation in any direction, and it is likely to be exercised in other directions, and thus the limits and safeguards set up in the Constitution will be broken down one after another, the system of government which comprehends the Union of several independent commonwealths will be entirely subverted, and the very evils against which the Fathers of the Country built up the bulwarks to be found in the Constitution, will rise triumphant, trample down local self-government and popular sovereignty, and establish that centralizing and oligarchical form and force which true Democrats and real Republicans now discern and are striving to suppress.

The Latter-day Saints are deeply interested in these questions, for they expect to grow into a power which will interpose between this aggression and the destruction of the grandest human government ever set up on the earth, and they should become informed upon these points and all the principles that enter into the institutions of our country, so that they may be prepared to defend the right, battle against the wrong and aid in maintaining constitutional freedom in which is involved the welfare, not only of the citizens of this Union, but of the people of all nations who now live or are yet to dwell on any part of the globe.

A DISCORDANT CONGREGATION.

THE pot of sectional disturbance has again been boiling in the Madison Avenue, N. Y. Congregational Church, of which Dr. J. P. Newman is, or at least was, pastor, for it is not improbable that he is out of the position by this time. The New York Herald thus describes a scene that occurred in that sectarian institution last Sunday:

"Hardly had the Rev. John P. Newman finished his sermon in the Madison Avenue Congregational Church yesterday afternoon, when J. Trumbull Smith, the tall, white-bearded clerk of the Board of Trustees, strode down the left hand aisle toward the pulpit with his eyeglasses in one hand and a slip of paper in the other. The pastor sat in his scarlet plush chair on the platform, with the Rev. G. H. Corey, a delegate to the Methodist Conference, at his side. As Mr. Smith ascended the platform both clergymen turned their heads and watched him, and there was a flutter in the congregation. Dr. Newman plucked a rose from the vase-full which bloomed at his elbow, as Mr. Smith adjusted his glasses and said to the congregation:

"You are requested to listen to the following notice." Then he unfolded the slip of paper and continued:—"There will be a meeting of the members and pewholders of this church in this building on Tuesday evening, April 8, 1884, at eight o'clock, when the question of the pastorate will be considered. The notice is signed by J. Trumbull Smith, secretary of the Board of Trustees, and by a large number of church members. It is also signed by the clerk of the church." Mr. Smith then took off his eyeglasses, folded up the slip of paper and solemnly marched back to his pew, followed by the gaze of the congregation. Dr. Newman at once advanced to his reading desk and, placing both hands upon the Bible, he said:—

"I hope that the notice just read by my friend Mr. Smith will be regarded by all the members of the church and by all the pew holders. I trust that they will all be present at the meeting on Tuesday night at the hour appointed. I have received an important

communication from the brethren who called the late ecclesiastical council together, and I propose on that night to give a definite and respectful answer to the same. Now let us join in singing the next hymn with power, as is suited to the occasion."

The congregation gathered in groups and much speculation was indulged in by the Newmanites and Ranneyites. The pastor informed the reporters that he purposed tendering his resignation at the meeting announced, and Dr. Ranney explained that the pastor would doubtless do that, but had first ascertained by counting noses, that it would not be accepted, and that the reverend gentleman had been doing considerable manipulation. It had been decided by the Newmanite faction that no regular attendee at the church who had not paid \$10 or more for pew rent would be allowed to vote. Dr. Ranney's friends held that this was nothing short of a disreputable job, as many of the members thus excluded had placed much more than that sum in the collection box.

The Ranney faction intended to make an attempt to compel Dr. Newman to declare his principles for or against Congregationalism by demanding that he be installed regularly in accordance with the formula of that Church, which, it appears, has never been done. Altogether, in the church over which Parson Newman presides, brotherly love has been for a long time at a discount and acrimonious discord at a premium. It appears that the section of the same denomination in this city is animated by a similar spirit, the members having also split upon their pastor. "Behold! how good and how pleasant it is to see brethren dwelling together in unity."

ANOTHER BLOW.

Now it is the members of the Grand Army of the Republic in Utah and Nevada that are, through Congressman Cassidy, memorializing the National Legislature to disfranchise the Latter-day Saints and reduce them to political slavery. It may well be asked whether there be an organization extant that has not an unkind word or an aggressive effort to hurl against this community. Surely the prediction to the effect that they, as the Former-day Saints, should be everywhere spoken against and opposed, is being fulfilled with remarkable completeness.

The spectacle presented by this prolific question is a sublime one, but the grandeur does not belong to the side assumed by the western branch of the Grand Army of the Republic. It belongs to the position of a numerically insignificant and comparatively isolated people, a noble few against whom the unmagnanimous many are pitted. Still the Saints adhere to their convictions of right and stand like a rock in the midst of the troubled ocean, steadfast and immovable.

Those who fume against and decry them are professed sticklers for American institutions and the common rights of man, yet in the same breath they demand that the former be extinguished and an exemplary and liberty-loving community stripped of the latter. But inconsistency throughout of the most glaring character, is a leading characteristic of all the opponents of the Saints.

History will yet vindicate the Latter-day Saints and give them the foremost place in the nation for loyalty, as the most sturdy advocates and exemplars of Constitutional principles, while their defamers who seek the destruction of human liberty will be held up as examples for warning against departures from the path pointed out by rectitude and consistency.

The Grand Army of the Republic should confine its operations to its legitimate sphere, if it has one.

DEVELOPMENT OF RESOURCES.

THE Laramie Boomerang publishes a lucid article, urging Wyoming to imitate Utah in instituting joint stock or co-operative companies for the development of the mercantile and manufacturing interests of our sister Territory. In citing the example of Z. C. M. I. it says:

"A statement of the condition of Zion's Co-operative Mercantile Institution of Utah, published in the DESERET NEWS, of Salt Lake, furnishes facts and figures, as well as an opportunity for a comparison of the facilities of Wyoming with those of Utah, which are well worthy the most serious thought of our business men. This institution has, of course, been organized a long time, and represents a very large amount of capital, yet it was started with comparatively small means. Its present great wealth is due largely to its home manufactures, the management of the institution having turned to practical account every resource possessed by the Territory in furnishing stock for disposition to her people."

Some of the figures which appeared in the NEWS article are given and the editor speaks thus of his own personal observations:

"When at Salt Lake a few weeks ago, we visited several of the factories

of this institution, and, while being conducted through the tannery, the boot and shoe factory, the broom factory, and receiving information regarding woolen mills, cooper shops, sugar refineries, and many other establishments of local industry, we could but wonder that Wyoming, with all her varied resources, had never developed anything like what we saw and heard."

The writer concludes with this appeal which, if the people to whom it is addressed have an eye to the general interest, will be acted upon:

Wyoming raises more cattle and sheep than Utah. She has all the facilities for converting the products of her herds and flocks into articles of domestic utility, equal if not superior to our sister Territory. Why not, then, establish tanneries, boot and shoe factories, carding machines and woolen mills, to convert this product into wearing apparel, and keep the millions we send east at home? Let us have an answer in the organization of corporations to set on foot some of these profitable enterprises.

Notwithstanding the advancement which has been made by Utah it is far from being commensurate to her resources or the necessities of her people. There is an expansive field for enterprises of the kind under consideration, and a large number of men are even now unable to find employment.

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SUMMONS.

In the Probate Court in and for the County of Salt Lake and Territory of Utah.

MILLARD F. EAKLE, Plaintiff,
vs.
LAURA V. EAKLE, (ne. Raynes) Defendant.

The People of the Territory of Utah
send Greeting:

To LAURA V. EAKLE, Defendant.

YOU ARE HEREBY REQUIRED TO appear in an action brought against you by the above named plaintiff in the Probate Court, of the County of Salt Lake, Territory of Utah, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of this summons—if served within this county; or, if served out of this county, but in this district, within twenty days; otherwise within forty days.

The said action is brought to obtain a decree from this Court dissolving the marriage contract existing between said plaintiff and you. And you are hereby notified that if you fail to appear and answer the said complaint as above required, the said plaintiff will apply to this court for the relief prayed for.

WITNESS, the HON. E. A. SMITH, Judge, and the seal of the Probate Court, of Salt Lake County, Territory of Utah, this 25th day of March, in the year of our Lord one thousand, eight hundred and eighty-four.

JOHN C. CUTLER, Clerk.

CHAS. W. STAYNER,
Attorney for Plaintiff. W14 4w

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