

the Organic Act, and in it extended the constitution and laws of the United States over the Territory. Therefore, from July 24th, 1847, until September 9th, 1850, there was no law of the United States in force here, nor was there then, nor had there ever been, any law of Mexico in force here, which shows that during that time there was no law of civilized man to be violated.

But they, like the Plymouth Colonists, had the paramount law of self-preservation, in which, as before said, are included life, liberty, both civil and religious, and the pursuit of happiness. They were American citizens, and as such had full and complete powers to establish a government on the basis of morality, knowledge, and civil and religious liberty.

Having these rights, they from the necessity of the case, by mutual consent, entered into a government; the male members meeting twice each year, and making laws, few and simple, but such as they most needed.

About the middle of March, 1849, the Government of the United States not having made any provision for the establishment of a government, the inhabitants of this valley adopted a Constitution, in which they say: it is a fundamental rule in all republican governments, that all political power is inherent in the people, and that governments are instituted for their protection, security and benefit.

They also asserted, that "all men have a natural, inalienable right to worship God according to the dictates of their own consciences; and that the General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

These questions may fairly be asked: Were these laws valid or invalid? Would rights accrue under them?

If, as it has been so universally asserted in America, civil and religious liberty is inherent in the people, and if all just powers emanate from them, it will seem to follow that these laws were valid. So it seems Congress viewed the subject, as, in the Organic Act, they provided for the oath of office of several of the United States officers to be taken before some person authorized by law then in force in this Territory to administer oaths.

There is another thing worthy of notice; it is this: the entire Territory was subject to the right of occupancy of the Indians, as generally understood by the practices of the United States. At any rate there had not been any treaty with them by which the Indians had ceded their right, if any they had, to the United States. Nor had the United States caused the lands to be surveyed, nor brought, nor attempted to bring them into market, nor passed any pre-emption law applicable to this Territory. During this period, there had been settlements made in the most eligible places, extending north and south about three hundred miles. Such was the condition of affairs here when Congress passed the Organic Act, giving the settlers a government.

In this Act, which is still in force, the Legislative Department was authorized to legislate on all rightful subjects of legislation, consistent with the Constitution of the United States and with the Act itself; but to this it enumerated certain exceptions, viz.:

1. No law shall be passed interfering with the primary disposal of the soil.

2. No law shall be imposed upon the property of the United States.

3. The land or other property of non-residents shall not be taxed higher than the lands or other property of residents.

No other restrictions on legislation are found which are necessary for me to notice.

It will at once be perceived that there could not exist a government here without occupying the soil, and occupancy of the soil is a rightful subject of legislation. It therefore follows, from necessity, that Congress intended that the Legislature should provide by law for the occupancy and improvement of the land; which they have done, and Congress has not seen fit to disapprove any of the laws on this subject. Vested rights have now accrued which must be respected.

A few questions now suggest themselves to my mind: Can Congress repeal the Organic Act? If it can, will the repeal take away these vested rights? If the repeal shall be made, will that restore the people here to the rights they had before the passage of the Organic Act? Grave questions.

It is said that the power which can create can destroy; the power which can pass an act can repeal it. If so, it will seem to follow that Congress may repeal the Organic Act. But is this so?

While I will not deny but that in

many subjects of legislation the power to pass a law implies the authority to repeal it; and that in many cases the power to create has the power to destroy, yet I must deny the universality of the rule. I mention a few cases.

The President, by and with the advice of the Senate, may make a treaty; but, when made, he and the Senate cannot destroy it.

The President can nominate, and, by and with the advice of the Senate, appoint the Judges of the Supreme Court; but, when appointed and commissioned, neither the President, nor Senate, nor both, can oust them from office.

Congress can admit new States into the Union; but, when admitted, it can not lawfully put them out.

Congress may grant land for school purposes; but, when granted, it can not take it back; vested rights have accrued.

Congress may grant lands for Railroad purposes, and authorize the construction of roads over their soil; but, when the grant is accepted and acted upon, it can not repeal the law, nor take away vested rights, though no consideration was paid for the privilege.

Congress, in the places and districts of country over which it has the sole and exclusive jurisdiction, may create private corporations; but when created and acted upon, vested rights have accrued. If the power which creates can destroy at pleasure, what means the quite general clause in that class of laws: "that the Legislature reserves the right to modify or repeal the Act."

From 1781, two hundred years before the adoption of the Constitution, till the present time, the United States have created Territories and afterward received them into the Union as States.

During this time Congress has exercised the right of dividing the Territories into two or more, before admitting them into the Union as States; but, in such case, they have, in the Act creating the Territory, reserved the right so to do; and in no case have they reserved the right to repeal the Organic Act. Further still, in no case have they repealed an Organic Act. In the Organic Acts of Utah and Montana, as in the Organic Acts of other Territories, Congress reserved the right to divide the Territories into two or more Territories, and of attaching portions of them to some other Territory or State, but did not reserve the right to repeal the Organic Acts.

I find also by the Organic Act of Utah a pledge that it shall be received into the Union as a State. True, it does not state when, nor under what circumstances it shall be received.

LOCAL ITEMS.

THEATRICAL.—We presume everybody who can make it convenient will attend the Theatre this evening to see the great sensation play of "Arrah Na Pogue." The Melange which follows it is a strong attraction to all lovers of music here, which numbers nearly all, if not the entire population. The programme embraces a number of well established favorites and admittedly excellent musicians.

MUSIC HALL PARTY.—Another very pleasant and enjoyable party came off last night at the Music Hall, which was elegantly fitted up for the occasion. The managers were: James Currie, Wm. H. Foster, Harrison Sperry and Mark Croxall—all members of Captain Croxall's Brass Band. The company were not so numerous as on the previous occasion in the same hall, or as was expected. Probably the skating of yesterday gave some who had promised to be there sufficient exertion to satisfy them without indulging in terpsichorean exercises in the evening. But whatever reasons the absent had for not being present, we can assure them that if they are in the habit of appreciating good parties, they would have enjoyed last night's had they been there. It passed off well. Captain Croxall and the band deserve credit for the style in which they got up their parties, and we think their invitations should be at a premium.

HOME MANUFACTURE.—We have been shown some specimens of plain and fancy soaps, concentrated lye, and candles manufactured by Messrs. Ornstein and Popper, of this city, which are fully equal to the same kind of articles imported from the East, and can be sold at a much more reasonable price. Among the soaps were excellent samples of glycerine, gelatine, royal, cocoa-nut, honey, oxyde, palm and variegated bar soaps. The candles were pressed tallow, a much more economical and better article than the ordinary star candle. We learn that they can turn out 15,000 lbs. of soap at each boiling, or at least 80,000 lbs. per week.

THE WEATHER.—Cloudy and showing, but mild.

By Deseret Telegraph Line.—Ogden; warm and cloudy; looks like snow. American Fork; warm and very cloudy; looks like rain.

Springville; very stormy; snowing fast. Fountain Green; very warm and snowing. Fort Ephraim; very cloudy and storming very hard.

Chicken Creek; snowing very fast. Parowan; a very strong south wind has been blowing for the last forty-eight hours; the snow is going rapidly.

Tokerville; cloudy, with the appearance of a storm.

St. George; very cloudy and quite cold. Thermometer 48.

St. George and Thatcher, of Logan, Cache Valley, want to trade for stock.

WOODMANSEE & BRO.

HAVING added to their Extensive Stock of MERCHANDISE by the arrival of their Train of

GROCERIES AND STAPLES,

Offer the same as heretofore, for

CASH, CATTLE

Grain and Flour.

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20 PER CENT

Discount

ON ALL

CASH SALES,

AMOUNTING to One Dollar or over

WILL BE ALLOWED

For thirty days from this date.

Bassett & Roberts

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DESERT UNIVERSITY,

Mercantile Department.

FURTHER Accommodations having been demanded to enable the Principal to meet the applications for admission to his Classes, the Regency take pleasure in announcing to the Public, that

The Ladies' Department

IS NOW INSTITUTED, AND STUDENTS CAN BE RECEIVED FOR THE STUDY OF A THOROUGH

COMMERCIAL

BUSINESS COURSE,

VIZ:

BOOK-KEEPING, PENMANSHIP, COMMERCIAL AND GENERAL CORRESPONDENCE, COMMERCIAL CALCULATION, COMMISSION, BROKERAGE, RAIL-ROADING, STEAM-BOATING, BANKING, PHONOGRAPHY, TELEGRAPHY.

Each Student who is entered for the Business Course, is entitled to renew her Studies at any time; or, in other words, is entitled to a life interest.

Penmanship, General Correspondence, Arithmetic, Phonography and Telegraphing, \$5.00 per Month. Hours from 10 A.M. to 12 M., and from 2 to 4 P.M.

Terms for a Complete Course, \$35 00

Blanks, 10 00

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CITY ELECTION.

NOTICE is hereby given, that an Election will be held at the City Hall on Monday, the 10th inst., for the purpose of electing one Mayor, five Aldermen, nine Councilors, a Recorder, Treasurer and Marshal.

Polls will be open at 8 o'clock A.M. Salt Lake City. ROBERT CAMPBELL, City Recorder.

Novel Holiday Enterprise.

GRATUITOUS DISTRIBUTION of

\$500.

The undersigned wishing to close his business preparatory to going East early in the coming spring, TO PURCHASE Merchandise and Machinery on COMMISSION, and to manifest his appreciation of the liberal patronage bestowed upon the Dixie Store, offers the following proposition to his patrons. Particularly those who have been accommodated with credit.

FOR EVERY five dollars in cash paid on Book Account, or invested in Merchandise, he will present a certificate which will entitle the holder to a chance for one of

ONE HUNDRED PRESENTS, Varying in Value from

One to one Hundred Dollars!

In all, amounting to

\$500.

GRATUITOUSLY DISTRIBUTED

On the first day of February, 1888, or as soon as 1,000 Certificates are disposed of, (as above.)

The Stock offered embraces about TEN THOUSAND DOLLARS worth of General Merchandise, included in which are 100,000 Shingles, 100 cords of Wood, 1,000 Cedar Posts.—Also, Lath, Lumber, Wagons, Mules and Horses. All of which will be closed out on the above Liberal Terms, VERY LOW for Cash, at a hot over

Wholesale and Retail.

To accommodate persons in the country, we will receive Cash on Book Account or Cash Orders for Merchandise, by Mail or TELEGRAPH, and return receipts for same, on account, or due bills for merchandise payable on demand, together with certificates, in the ratio of one for every five dollars so paid or ordered. This is a Bona-Fide transaction, "A REAL BUG," and it is confidently hoped that our friends will ALL "see the point," and avail themselves of the favorable opportunity presented of paying their accounts at a discount. For further particulars, call at the Dixie Store, examine stock, see list of presents, make your investment, pay your debts, and go on your way rejoicing.

A. IVINS.

For Sale.

ELDRIDGE & CLAWSON

EXTREMELY LOW PRICES!

20,000 Pounds NAILS,

20,000 Pounds SUGAR,

30,000 Yards DOMESTICS,

40,000 Yards PRINTS,

Besides a COMPLETE ASSORTMENT of

General Merchandise!

CALL AND SEE US.

WE WANT TO SELL.

And will make it ADVANTAGEOUS to CASH BUYERS.

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