

DESERET NEWS. WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY
THE DESERET NEWS COMPANY.

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WEDNESDAY, - DEC. 29, 1880.

UTAH, THE ORDINANCE AND THE CONSTITUTION.

THERE is one recommendation in that part of the President's Message concerning Utah, about which little has been said. The President, after recommending a government for Utah, composed of a governor and judges or commissioners appointed by the President, adds, "or a government analogous to the provisional government established for the territory northwest of the Ohio by the ordinance of 1787."

We do not refer to this now because we attach any importance to it as a probable measure of public policy, or as likely to receive any serious attention from Congress, but for the purpose of explaining it that it may be clearly understood by our readers, many of whom are perhaps not familiar with the subject to which it relates.

The territory northwest of the Ohio was at the time of the passage of the ordinance very sparsely settled. Although of vast extent, all its population combined did not reach a sufficient number to justify organization into a commonwealth; and therefore it was ordained by Congress that until that section should have "five thousand free, male inhabitants," it should be under the direction of a governor and three judges, who should "adopt and publish in the district, such laws of the original States, criminal and civil, as might be necessary and best suited to the circumstances of the district, and report them to Congress from time to time." This was declared to be merely "for the purposes of temporary government," and these laws, when approved by Congress, were only to be in force in the district until the organization of a general assembly therein elected by the citizens; and when the people's Legislature became organized, its members were to have "authority to alter those laws as they should think fit."

Previous to the organization of a General Assembly the Governor was to appoint all the magistrates and other civil officers in each county or township, to be the commander-in-chief of the militia, etc. One of his qualifications was that he should reside in the district and have "a freehold estate therein, in one thousand acres of land, while in the exercise of his office." Each of the judges were required to have "a freehold estate in five hundred acres of land in the district." The right of trial by jury, of *habeas corpus* and common law jurisprudence were guaranteed to the people.

But as soon as the district contained five thousand free male inhabitants, they were to have authority to elect a local Legislature, in the proportion of one to every five hundred citizens, the number of members to be increased as the population increased, until twenty-five members should be elected, after which the Legislature was itself to regulate the number of its members. It was also ordained and agreed that as soon as consistent with the general interest, not less than three nor more than five States should be formed in the district, and whenever either of these States should have sixty thousand free inhabitants it was ordained and agreed that "such State should be admitted by its delegates into the Congress of the United States on an equal footing with the original States in all respects whatever." The only proviso to this agreement was that the constitution and government of those States should be republican and consistent with the principles of the ordinance and, if in accordance with the general interest, those States might be admitted into the Union before their population reached the specified number. This agreement was made, so it was declared, to fix and establish "the fun-

damental principles of civil and religious liberty whereon these republics, their laws and constitutions are erected," as the basis of "all laws, constitutions and governments in the said Territory."

It will be perceived that this temporary government was only adapted to a district in the most primitive political condition. It was considered entirely unfit for a community in which were five thousand male inhabitants. Further, the ordinance guaranteed the establishment and admission into the Union of free States as soon as the population reached sixty thousand, and announced that this was necessary for the extension to the inhabitants of that district of the very fundamental principles of civil and religious liberty on which the original States were founded.

This ordinance, be it observed, was enacted before the adoption of the Constitution of the United States, being signed July 13, 1787, while the Constitution was not adopted in convention until Sept. 17 of the same year, and then had to be ratified by the several States. The latter instrument limited and defined the powers of Congress and of the President, and secured the liberties of the respective States. And it is worthy of note that the organized form of government provided for the people in the territory northwest of the Ohio, and out of which the territorial system has sprung, was not called a Territory, but a State, previous to its admission into the Union. And it was evidently the intention of the founders of our institutions that incipient States were to be secured in "a republican form of government;" that their governors and judges were to be chosen from their own people, to be residents and owners of real estate in the district; and that the word territory, as used in section III of the Constitution related, not to an organized local government nor to people not organized, but to land, the absolute "property" of the United States, which individuals, either personally or as a political body, cannot rightfully be considered. The adoption of the term Territory for that imperfect form of government called in the Ordinance, a "State," has led to confusion of ideas in relation to the territory or landed property of the Government.

This view is evidently correct from a careful consideration of the section. It provides for the admission of new States into the Union and then specifies that:

"Congress shall have power to dispose of and make all needful rules and regulations concerning the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

What claims could either of the States have on a body of people outside of its limits? What right has Congress to "dispose of" free citizens? Yet out of this simple clause has been evolved the extraordinary theory, that Congress can do as it pleases politically with the people as well as the land on which they settle outside of an organized State, to ignore and violate the fundamental principles of civil and religious liberty on which the original States were based, by the establishment of arbitrary rules and regulations, by forcing upon the people officers having no interests in common with them, and against the people's choice and expressed desires, and while taxing them for revenue, by depriving them of any real representation, their Delegate having no vote in Congress, and they having no vote for the national Executive.

That this was not intended by the framers of the Constitution is further evident from the seventeenth clause of Section VIII, which gives Congress power "To exercise exclusive legislation in all cases whatsoever" over a district ten miles square, and other places ceded by the States or purchased by their consent. Over the district of Columbia Congress has exclusive legislative power. But does this extend to organized incipient States, whose people are citizens equally with the residents of States having full political powers? This specified extension of exclusive legislative power is in legal effect also its limit. And the exercise of arbitrary authority over the Territories, on the basis of a strained, irrational and anti-republican interpretation of a constitutional provision, was one of the first steps of the national government towards

that centralization and autocratic domination which disciples of true democratic doctrine view with alarm, and which is gradually transforming our national system into a veritable oligarchy.

Returning to the Presidential recommendation, it will be perceived that if the principles which prompted the establishment of the temporary government in the district northwest of the Ohio are applied to Utah Territory, the latter is entitled to admission into the Union on an equal footing with other States, and that the only condition to be imposed on us is that our constitution and government shall be republican in form. Also that pending our admission into the Union as a State, our Governor, judges and other officials shall be *bona fide* residents of the Territory, owners of real estate therein and thus identified with the people whose interests they are appointed to subserve, and that "the inhabitants of the Territory shall always be entitled to the benefits of the writs of *habeas corpus* and of the trial by jury, and of judicial proceedings according to the course of the common law."

The idea of applying to an organized territorial government with laws and institutions of thirty years establishment, and with a population of about 150,000, the make shift forms of a temporary government proclaimed on its face as only suitable for an inchoate community with less than five thousand male inhabitants, is a little too ridiculous and impracticable for even a Congressman, anxious for continuance in office and spurred up to anti-"Mormon" action by "forty parson power," to entertain with any intention of serious endorsement. The power to make all the laws and appoint all the officers to execute and administer them, in a Territory as large and rich as Utah, and with such vast and varied opportunities for spoliation and plunder, and the exercise of personal, religious and party malevolence as it affords, might be very enticing to the minds which jumped at the conclusion that it would be a fine thing to suggest to the President, but is too outrageous a project for even the most radical of ultra Republican Congressmen to treat as a measure for legislation, or even as a subject for serious debate.

[COMMUNICATED.]

CIRCULATING THE BIBLE!

THERE has been much effort made and means spent by Christians in the publication and circulation of that book called "The Bible;" and this effort and expenditure have not been confined to Christian populations only, but translations of the same Book studiously prepared have been sent into many nations and tongues of those who were not considered Christians. The purpose was no doubt the same wherever circulation was pushed, and results were always anticipated, more tangible and valuable than the cost of production and circulation, or it would argue against such investments everywhere.

However, leaving out the probable or expected results in heathen lands, suppose we ask of Christendom a few questions which seem to suggest themselves and to grow out of a consideration of this apparently self-imposed work. We say self-imposed because there are no pretensions made as to any special or divine call to this mission, such as the assumed or understood character of the Book might imply. Men engage in this from notions correct or incorrect; for no reason or for reasons scarcely understood; because of tradition, education, or want of other employment; because the book is considered to possess some such influence as a charm, or because of some feeling of reverence towards it or shadow of worship, thus imitating the use of amulets, the custom of having a horseshoe over the door, the devoting of a corner to the semblance of the cross, etc.; a something handy and pleasant to have in the house, not for use particularly, but as a sort of fetish, a savior, or to give tone and respectability, and justify the assumption of being good Christians.

In many cases, to be sure, it is meant to be read, that is—mechanically, a chapter every morning or a chapter every evening, or a chapter on the Sabbath day, but each time with some vague or half-formed

idea of a duty, and even sacrifice, or of privilege, as to conning "the word of God."

Now, the Book as to its contents is considerably varied. We have history and narrative, law and commandment, poetry and prophecy, biography and proverbs, the words of man, of angels and of God. But to this age it is an old book; the last line was written eighteen hundred years ago. It is a book of marvels and miracles, to a religious ad to a skeptical world. Because of its antiquity its facts are mainly beyond proof; most of its apparently common things have become obsolete, they may be numbered among the lost arts, and so far as general and present human experience goes, might be unrecorded and forgotten.

Admitting the Book to be true, where does the benefit come in, to us? Those who take most pains to circulate it, insist most strongly that its record of man's experience is unfitted or unnecessary now; there was a time, they allow, when God was interested in man; when He communed with him; when He sent His messengers or angels to tell His will; when prophets and seers were among the people, who could give the word of the Lord. There were revelation and inspiration for ages among mankind; there was warning for impending calamity, reproof for sins of omission or commission, words of cheer for the righteous and comfort for the oppressed; but that was long, ah, long ago. In the New Testament there is mention made of Jesus, men called him Savior then, and do now; he wrought miracles, he transmitted similar power to his apostles and believers; he gave a certain order, pointed a certain course, promised certain results; but even that, is long, ah, long ago!

Now when we read and study, and compare Christendom with this book for the circulation of which such vast pains is taken, we ask how about this grand past, how about this revelation, how about these prophets, this Savior, that gospel? What benefit is it to know that such blessings, privileges and opportunities once existed if they are for ever passed away? Is it kind to taunt the blind with graphic pictures of a sunlit world? Is it kind to tell the hungry of the banquet once enjoyed by others? Is it pleasant to have thus rudely pointed out our ignorance by a recital of some intelligence unreachably to us?

Or do men thus engaged realize the longings which such reading must create, the intense and burning conclusion that while vaunted civilization may have some good points, its glory is utter darkness compared with that glory once known, when communion with the heavens was the characteristic of the best, and noblest of the sons of earth? And will they, when circulating, reading or recommending this Book, indulge in any hopes or give any countenance to the idea that a restoration of this ancient order and glory is either desirable, possible or to be expected?

And should there be those in this Territory (where special effort is now being made for the dissemination of this Book) who believe the record as it is, who have the old faith in God, the old faith in angels, the old faith in prophets, the old faith in inspiration, revelation and communion with the heavens; if there are those who have faith in Jesus and in his gospel, in his ordinances and Church, and even say they are in possession of the ancient gifts, the ancient power, the ancient practices of Patriarchs and men of God; will these zealous men, these Bible circulating and Bible selling men, give any more credence to what they hear, than did to Jesus the Scribes and Pharisees of old?

By all means read the Bible, study it, interest yourselves in its contents, compare the stealthily creeping organizations you see around you with that which the Book records; and also learn from it if "Holy men of old wrote and spoke by the Holy Ghost," that God is "the same yesterday, to-day and forever;" that while "the letter killeth," it is "the spirit bringeth life," and that unto us is given "a more sure word of prophecy, unto which we do well to take heed, as unto a light shining in a dark place," and that is the present voice of God in his living priesthood, whose official utterances are to us, Scripture, and the ever present evidence of communion with the heavens as of old!

During the past seven years, it appears that the mines of the United States have yielded about \$280,000,000 of gold.

[From Thursday's Daily, Dec. 23.]

THE MAN OF THE CENTURY.

SEVENTY-FIVE years ago to-day one of the most remarkable characters of the age was born at Sharon, Windsor County, Vermont. He was a child of destiny. Raised up by Divine Providence for a needful work, he came into the world shortly after the opening of this wonderful nineteenth century. Descended from the ancient Seers, he bore in his body and possessed in his spirit the qualities needful for the great work required of him. Pre-ordained to be a Prophet to the latter-day dispensation, he was the man for the times, the central figure around which were grouped other strong souls born to be laborers in the vineyard at the eleventh hour, the star whose rays were shed forth in the midst of the spiritual darkness that prevailed for centuries, and whose light was to herald the speedy coming of the glorious Sun of Righteousness.

Joseph Smith, son of Joseph, and of the lineage of that ancient Joseph who was sold into Egypt but became the ruler of the land, was one of the greatest revelators who ever dwelt on this fallen planet. He communed with angels; he translated sacred records written in forgotten languages; he was susceptible to the seer-stone and could read by Urim and Thummim; he restored lost divine things of the past; he perceived and declared important events of the future; he gazed into the glories of the eternal worlds; he held converse with the Father and the Son; he received the keys of the last dispensation and to him came those who stood at the head of all former dispensations, back to Michael, or Adam, the first of all and chief of all, who conferred upon him the spirit and power of their several callings; he laid the foundation of the mightiest kingdom that this world has ever seen; he established the sacred order of the everlasting priesthood and defined its powers and limits, its prerogatives and duties, its offices and callings, in all their detail and beauty and harmony; he grappled with the powers of darkness; he opened the gospel to the living and the way of redemption for the dead; he was spoken of for good or evil in all the nations on the globe; he sealed his testimony with his blood, and his name is recorded in the list of the martyrs, for whom shines the kingly crown in the midst of the majesty on high.

We honor and revere his memory. But we do not worship him, as some people declare. He was but a man with human failings and human affections. But he was one of the mighty, and he has left an impress on the century that will not perish while time shall last. The spirit of his personality remains on this side of the veil although he ministers beyond, and wherever the restored gospel is sounded among the tribes and tongues of men, he will be proclaimed as the instrument in God's hand of linking together the heavens and the earth, and of bringing to the sons and daughters of men the blessings of the plan of salvation.

Thousands upon thousands have received in their souls a divine witness of his prophetic mission. And the people gathered from the ends of the earth who now inherit these fruitful valleys, and whose union, and force, and peculiarities and faith, have attracted the attention of all nations, have been brought here by the power and influence of the religion which he taught and the spirit that he administered. And when the great work which he founded is finished, and the fullness of the Gentiles is come in, and Israel and Judah, restored to their former dominion possess the lands bestowed upon them by patriarchal blessings, and the power of the wicked is broken, and Satan and his hosts are banished and bound, and the kingdoms of this world are the kingdom of God and His Christ, among the mighty ones who stand next the throne and join in the government of the regenerated earth will be Joseph Smith, once the Green Mountain boy and the derided of the proud, the scoffer and the worldly-wise, but now the heaven-crowned ruler over many things, and the honored associate of the immortal and Eternal Rulers of a universe redeemed.

MERRY CHRISTMAS.

MERRY Christmas! Season of feasting and rejoicing, of gift-making and congratulations, of family reunions and social gatherings, of