

EDITORIALS.

THE U. S. CONGRESS AND BISMARCK.

THE resolution of regret passed by Congress on the death of the German Liberal, Eduard Lasker has, as might have been expected, soured upon the stomach of Bismarck, who has testified his nausea by returning it to the source from which it came. Here it is:

Resolved, That this House has heard with deep regret of the death of the eminent German statesman, Eduard Lasker.

That his loss is not alone to be mourned by the people of his native land, where his firm and constant exposition of and devotion to free and liberal ideas have materially advanced the social, political and economic condition of the peoples, but by the lovers of liberty throughout the world.

That a copy of these resolutions be forwarded to the family of the deceased, as well as to the minister of the United States resident at the capital of the German empire, to be by him communicated through the legitimate channel to the presiding officer of the legislative body of which he was a member.

The effect upon the Imperial Chancellor might have been anticipated, as the deceased politician of Socialistic proclivities was one of his most decided, able and unrelenting opponents. There would have been nothing out of the way in Congress passing resolutions of condolence and regret at the death of Mr. Lasker, but to incorporate a clause to forward a copy to the presiding officer of the legislative body of which the deceased statesman was a member was a most injudicious step.

It is probable that Congress passed the resolution as it stood thoughtlessly.

The document was probably formulated by a politician who wished to curry favor with his German constituents. But to deliver an insult to the practical head of one of the most powerful nations in the world, is too high a price to pay for a small amount of political capital. The retaliation of Otto Bismarck is more eloquent than would have been an oral or written denunciation of the action of Congress, which has no other recourse but to pocket his cutting though silent retort. He has brought the nose of Congress and through that representative body, the same facial organ of this Republic, close up to the snubbing post.

MORE GUBERNATORIAL USURPATION.

GOVERNOR MURRAY has once more attempted to overstep the bounds of his official authority. He has sent to the Council of the Legislative Assembly a list of nominations for the positions of Chancellor and Regents of the University of the State of Deseret. The communication, with the names of the gentlemen thus presented, will be found in our report in another part of this paper, of the legislative proceedings on Monday.

We do not think that any particular objections will be found with the names, or most of them, thus presented. But principles are more to be considered than men. If the Council were to accept and confirm these nominations because the nominees are acceptable, they would virtually recognize the right of the Governor to nominate and help to make the appointments. This right we most emphatically deny.

The Governor claims that he is acting, "in obedience to the requirements of the law of Congress organizing the Territory of Utah, and in union with the decision of the Supreme Court of the Territory and with the ruling of the Utah Commission." The recklessness of Governor Murray in making groundless assertions is well known in this Territory, we therefore should not be surprised at any statement he may make or inference that he may draw. But people abroad will no doubt be astonished when they learn that the Organic Act does not make any such requirement as that which he asserts, and that neither the Supreme Court of the Territory nor the Utah Commission have made any decision or ruling in reference to the offices which the Governor attempts to fill by virtue of such assumed requirement, decision and ruling.

We need not stop here to ask what judicial power the Utah Commission hold by law, or what authority they have to rule on such a question as that involved in the Governor's communication, but we will merely say, in passing, that no such authority can be found in the Edmunds Act, and that is the only law defining their jurisdiction, or referring to them in any way whatever. And if the Supreme Court of this Territory has rendered a decision in reference to the appointment of officers to the Deseret University, we have failed to hear of anything in relation to it.

We will briefly examine the clause in the Organic Act from which the Governor attempts to derive his right to make these appointments. It is found in Section Seven, which has become somewhat celebrated as a battle ground between the representatives of the people of Utah and one or two ambitious

Executives, desirous of wielding arbitrary and autocratic powers. It provides:

"That all township, district and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as may be provided by the Governor and Legislative Assembly of Utah. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for, etc."

Section six of the same act provides: "That the legislative power of said Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act."

It further provides that no law shall be passed interfering with the primary disposal of the soil, taxing the property of the United States, or taxing the property of non-residents higher than that of residents. With these exceptions, all rightful subjects of legislation come within the powers of our Assembly. The same section provides that,

"All the laws passed by the Legislative Assembly and Governor shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect."

The Legislative Assembly, in the exercise of the powers thus recognized by Congress, has enacted many laws for the benefit of the people of the Territory and among them the law incorporating the University of the State of Deseret. It was originally an Ordinance and was adopted with other laws by legislative enactment at the first session of the Territorial Legislature. The incorporation and encouragement of educational institutions, it will be conceded, is "a rightful subject of legislation," and is not in conflict with the Organic Act or the Constitution of the United States. The act of incorporation defined the powers and "provided" how the offices of Chancellor and Regents of the University should be filled, namely by joint vote of both houses of the Assembly. This method has been followed, as provided, for thirty-three years. The law was duly submitted to Congress, and has not been disapproved. It is therefore of full force and effect.

And it is not in conflict with Section Seven, whatever that may signify. For, if it is claimed that the Governor is thereby authorized to nominate all Territorial officers, whatever other provision may be made by the Legislative Assembly and other previous Governors—a point open to wide difference of opinion—it will be replied that the Chancellor and Regents of the University of Deseret are not Territorial officers. They are not a part of either the legislative, judicial or executive departments of the Territorial Government. They are merely overseers of an institution of learning. Their offices cannot be construed as coming within the meaning of Section Seven of the Organic act, giving all the latitude to its provisions argued for it by the Governor's strange-minded legal advisers. The Assembly clearly had the right to incorporate the institution and also to provide how its officers should be appointed. The Legislature could have made the officers elective by the pupils of the institution if it had so chosen. For they are not constituted territorial officers, but only and simply managers of an educational establishment.

But even if the offices of Chancellor and Regents were part of the local Government, decisions promulgated by the Supreme Court of the United States, which the Governor persistently ignores, would render his position untenable. As we have shown in previous articles, the highest judicial tribunal in the land, in the cases of the Territorial Marshal and Territorial Attorney General, who were really part of the local Government, ruled that the Acts of the Legislative Assembly providing for their appointment by joint vote of the Assembly, without the nomination of the Governor, were "not necessarily in conflict with Section Seven of the Organic Act;" and that, in not being disapproved by Congress, they had received the implied sanction of that body, and were therefore valid and of full effect.

Now apply the same rule to the present case. Even if we admit—which we do not for a moment—that these educational officers are part of the local Government, the law for providing for their appointment has the sanction of long usage and thirty-three years of implied sanction by the Congress of the United States. It is virtually a law of Congress, later than the Organic Act, and further, is not necessarily in conflict with that instrument. And we think that the rulings of the Supreme Court of the United States are nearly as good authority as the pretended or implied decisions of a Court in a simple Territory, or the opinion of a non-judicial Commission which was never rendered.

In connection with the cases cited above, the Supreme Court of the United States took this broad and republican ground:

"The theory upon which the various governments for portions of the territory of the United States have been organized, has ever been that of leaving to the inhabitants all the powers of self-government consistent with the supremacy and supervision of national authority and with certain fundamental principles established by Congress,

Governor Murray and the few persons who are working with him for personal objects move in direct antagonism to this fundamental principle. Local self-government is to be curtailed and suppressed as much as possible, and the powers of officials totally irresponsible to the people from whom all official power rightfully should emanate, enlarged and amplified till representative rights are entirely overshadowed and the local popular voice is stifled and silenced. This attempt to wrest from the Legislature a right which belongs to that body, and to exercise authority that does not inhere in his office, is all of a piece with other extra-official acts of the present Executive, and stamps him as a would-be despot and a tyrannical autocrat.

DISTRIBUTION OF CHURCH PUBLICATIONS.

THE importance of sending publications issued by the Latter-day Saints to people abroad, as a means of correcting the many false statements circulated in relation to this community, is frequently alluded to in correspondence from missionaries and others. It is astonishing how much one individual can do in this direction who will give a moderate degree of attention to it. Upon this basis an idea can be formed of the amount of good that could be accomplished in this way if a general interest were taken in the subject. As an illustration we insert the following from Brother Samuel Russell:

Having read the communication from Brothers Palmer and Wolfenstern, testifying to the good results from sending the DESERET NEWS and others of our publications abroad, permit me to state that on the 27th of May last I commenced to keep the names of persons to whom I sent the News and others of our publications, and on looking over the list since that date I find 71 papers, besides one each of Book of Mormon, Key to Theology, Spencer's Letters and Voice of Warning. Often, instead of one paper, I would send parts of two, each containing a sermon or some leading article, correspondence, etc. The same has been continued more or less for the last 20 years. I make the statement only by way of encouragement to others.

LOOK ON THE BRIGHT SIDE.

SOME people are never happy except when they are miserable," is an old contradictory saying intended to exhibit a truism. In the fore part of this winter numbers of the gloomy-minded people pulled long faces and predicted a drouth and probably consequent famine because of the comparative absence of snow in the mountains. Now that the snow has come in plentiful quantities until the Rocky Mountain reservoirs are full, the same persons are beginning to worry over the prospect of overflowed fields by floods and freshets. If people would stay by the sage advice, never to cross a bridge till they reach it, they would save themselves no end of worry. They should let a little sunshine into their souls by sometimes taking a cheerful glimpse at the bright side of things, and exhibit some faith in the beneficent dispensations of an overruling Providence. "All is Well," is a good song and a splendid motto.

THE REVISION AND COMPILATION OF THE LAWS.

AT the legislative session of 1880, an Act was passed appointing a committee on the revision and compilation of the laws of Utah. The measure was thoroughly canvassed and debated before it became a law, and the powers of the committee were fully defined. Some members wished that a mere compilation of the laws should be effected; others took the ground that a revision was needed as much and more than a simple compilation. But it was feared that the term "revision" might be too widely construed, and therefore considerable discussion ensued upon the scope and signification of the word. Finally the powers of the committee were thus defined, and the definition appeared as sections two and three of the law:

Sec. 2. It shall be the duty of said committee, during the next ensuing two years, to revise and compile all the laws of said Territory, in force therein, including the laws passed at the present session, and to arrange the same in one bill, divided into titles, chapters and sections, with said titles and sections numbered consecutively. The said bill shall contain no repealed laws, and all the laws inconsistent with each other and not specially repealed, shall be noted in the margin, so far as said committee shall discover such inconsistencies.

Sec. 3. Said committee shall report said bill with notes, as aforesaid, and such recommendations relating thereto as they may deem wise, to the Legislative Assembly, during the first week of its next session.

It will be seen from the foregoing that the committee had authority to expunge all laws that had been repealed

inconsistent with each other that had not been specially repealed. But no power was conferred upon them to make new legislation, introduce laws from other codes or statute books, or ed, and to note in the margin all laws cast out anything that had not been rendered void. The committee went to work with due diligence and performed a great amount of work, and on the opening of the present session introduced a voluminous code, the dimensions of which startled all beholders. And it was found that they had not only carried out their instructions as to revision and compilation, but had introduced laws and parts of laws from other sources than the books given to them to revise and compile.

Whether this was consistent with the third section of the law for their appointment, is an open question. It appears to us however that the "recommendations" they were authorized to make do not include anything but such as relate to the "said bill," and the "notes" referred to mean only the notes in the margin concerning "laws inconsistent with each other and not specially repealed." We do not think that a strict construction of the language will justify anything further. And there is nothing in the law which indicates that the Legislature had any other intent than to authorize the compilation and revision of the laws of Utah alone.

What course did the Assembly pursue in relation to the report of the committee? The document was divided up and placed in the hands of a number of joint committees of both Houses, that it might be thoroughly examined and considered. This appears to us the best plan that could be adopted. A great deal of time has been consumed by the committees in this labor. This has caused some hasty and ill-natured remarks from people who constitute themselves judges and critics, and the conclusion is jumped at that nothing is going to be done with the revision.

We would like to know what would be said if the Legislature were to shut their eyes and gulp down the whole thing, possible errors, new legislation, radical changes and all? Who would be held responsible for the code thus adopted by wholesale? The Legislature, of course. At the session of 1876 a new Penal Code was enacted, which had been prepared by competent attorneys, and scrutinized by a Federal Judge of great ability, who is one of the present committee on revision. It superseded criminal laws previously enacted, and among them those relating to adultery, lascivious cohabitation, seduction, etc., which were not re-enacted in the new code. A howl has gone up about this which has reached to the utmost bounds of the republic. Let some omission or error occur in the code under present consideration, and the very persons who are growling about the close scrutiny bestowed upon it, would rend the air with their denunciations of the careless legislators who permitted it to pass without detection.

Most of the members of the present Assembly are new hands at the business. They are taking a consistent course in being careful. Better not have any compilation at all than introduce something that ought not to be on the statute books, and which would be very difficult to expunge after it was once enacted. We do not believe that the labors of the committee on revision will be found in vain. It is possible that all their work will not be sufficiently considered to pass both Houses at the present session. But we think by present appearances that some portions of it will be adopted. The bill on Probate Procedure, a long and important measure, has passed the House and others will no doubt soon follow, and perhaps the most important portions of the report will be acted upon.

No one disputes the fact that our laws are now in a very inconvenient condition for reference. Other Territories and some of the States are in a similar fix. The same thing will occur again in a few years, even if the new compilation should go into full effect. Changes are needed as the years roll on. New laws are enacted and old ones become obsolete and therefore new revisions become necessary. The Territory will survive even if the compilation of its laws should be delayed. It would be easier for lawyers and better for the people to have the statutes codified and obsolete provisions expunged from the books, but we would rather have the laws in their present condition—they were compiled in 1876, and, including the present session, will be all embodied in four additional books—than risk the adoption of new laws mixed with the old, and the radical changes recommended by the committee, without full and complete examination to the satisfaction of those who will be held responsible for their enactment.

We hope the Legislature will continue the good work of careful scrutiny of all bills that are presented from any source for their action, and that the measures found in the statutes of 1884 will be such as our legislators will be proud of and the people of the Territory will approve.

THE SAN LUIS VALLEY AFFAIR.

THE San Luis Valley, Colorado, sensation has not yet died out, but we have not the least doubt that it is destined to be short lived. It has created a ripple in some portions of Colorado, notably

Denver and Greeley, where subscriptions are being taken up for the allegedly distressed and impoverished apostates from the "Mormon" Church. These objects of commiseration are being made the subjects of charity sermons from the pulpits of churches, and there is a fair prospect of the malcontents being well supplied with funds.

It is to be hoped that this work will not slacken for a little while at least, so that if there be any others belonging to the Church in that region of a similar spirit and character, they may be induced by a prospect of financial profit to detach themselves from the main body of the community which would be made all the more healthy by their exit.

Although we have no objection to the charitably disposed pouring in any amount of wealth upon the seceders from the Church, if they are so disposed, we consider it a matter of regret that any number of people of benevolent instincts should do so under a mistaken idea. Thus far the agitation has been based on representations from the apostates themselves, and mainly from one of their number, who was excommunicated from the Church, among other offences, for appropriating to his own use the funds of a society established in the community for the relief of any persons who might happen to be in need of pecuniary or other aid, and to give comfort and assistance to the sick and afflicted. If those who manifest so much apparent, and in one case especially, ostentatious anxiety for the welfare of the objects of their sympathy, would take some practical steps toward ascertaining the true status of the objects of their solicitude, they would manifest a little more sound sense than they do now. This could readily be done, as the San Luis Valley is not so very far distant from the places where the contribution box is being passed round for the supposed sufferers, but it could be readily reached.

Doubtless an investigation would develop the truth of our former statements in relation to the matter. There are everywhere else where the "Mormons" are located, will be found a number of thrifty, well ordered, and prosperous settlements, where there is practically no want nor distress, every person of industrious habits being able to make at least a fair and decent living. This condition is universal in the settlements of the Saints.

But with some parties at least—notably, in this city as well as elsewhere—the object of the agitation is not one of unadulterated charity. Far from it. We observe in the Greeley Tribune a report of an address by a clergyman on the subject, in the course of which he is represented as taking great satisfaction from the event, on the ground that by the breach being widened and enlarged it could be made a means of breaking down the political power of the "Mormons" in Colorado. So there are wheels within wheels, and "out of the fullness of the heart the mouth speaketh." So far as affecting the Church in San Luis in the main however, in any other way than beneficially, those who indulge in such an anticipation will be disappointed, for the great bulk of the people who compose it have embraced the Gospel with a pure motive, and, in accordance with the undeviating promise, have obtained, and by honest and upright conduct retain the testimony of its divine origin. They will abide in the covenant whether in poverty or in riches, and the room of those who can be induced by offers of money to forsake any creed or association, is far better than their company.

ABOUT STREET SCRAPING.

A GENTLEMAN has handed in the following upon a subject of local interest, especially at this time of the year:

Taking a stroll last Saturday I could not help observing the wealth of mud which covered our principal streets, and my mind reverted back to the time when I was a boy in old England. It is nearly sixty years ago. They scraped the streets and left the mud a few days and then hauled it away. I thought the same plan would be very good here and let the farmers or others having lots and farms have the mud free to put on their land. What was left could be hauled over Jordan to any other land where it is needed. There may not be millions but there are thousands in it, and if our city fathers would spend a few hundred dollars in employing a few men who are now out of work to scrape the streets it would not be money thrown away, for the poor man has to spend his money to live, and it would come back again. The way we are doing now, every man, woman and child when they have to traverse those streets have to load up their boots and shoes with the mud, take it along and deposit it at their homes and yet there be plenty left for the dry winds of spring and summer to scatter around, and we poor mortals have to inhale it and receive it in our houses, for it must be used up somehow.

Quite a number of people entertain the same opinion as our correspondent. We take a different view, however, as it appears to us that the scraping process is only practicable when the streets are paved or thoroughly macadamized. Were the scrapers to be used on most of the thoroughfares of the city the inevitable consequence