

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

PRINTED AND PUBLISHED BY THE
DESERET NEWS COMPANY.

CHARLES W. PENROSE, EDITOR.

WEDNESDAY, - APRIL 30, 1884.

LIVELY DEBATE ABOUT THE TERRITORIES.

DURING the discussion of the bills concerning Judicial Proceedings in the Territories, and Territorial Governors, in the House of Representatives on the 8th inst., some excellent remarks were made by Delegates Maginnis of Montana, Brents of Washington and Post of Wyoming.

The first named gentleman, in supporting the bill for the appointment of an additional Justice of the Supreme Court in each Territory, and providing that the Judge before whom a case is tried in a District Court shall not sit on that case when appealed to the Supreme Court, vigorously assailed the Territorial system as a bad one in many respects. He showed how the people are subjected to the government of strangers appointed by the Federal Government, without their consent and concurrence and very often in the face of their direct protest. He favored a measure that would permit all officers to be elected by the people. Mr. Maginnis denounced the practice of appointing judges who have been either broken down politicians or men without capacity or integrity, and explained the importance of railroad and mining cases that had to be adjudicated in the courts in the Territories, requiring the finest ability and firmest integrity. The bill was passed in the House.

The committee on Territories having reported back the bill requiring the Governors of Territories to be residents of said Territories at least two years preceding appointment, recommending its passage, a lively debate followed, in which an attempt was made to except Utah from the provisions of the bill, but Mr. Evans, of South Carolina, who represented the Committee and who introduced the bill in the House, said the point had been discussed in committee and it was decided that Utah should not be excepted. He said he thought the sending of a stranger here as Governor was a great mistake; that the best way to "solve the problem" was to appoint men to control affairs in Utah who had been residents of the Territory and who understood the condition of its affairs. He had had some experience in carpet bag government, and he thought that "the great security of the rights of the people in this country is in local self-government, and he wanted to see the government of this country brought as near the people as it possibly could be."

The chief opposition to the bill, however, was not as regards its application to Utah, but on its constitutionality and expediency. On the latter question, Mr. Kasson, of Iowa, argued that a Governor ought to be free and independent in the exercise of the veto power, or of special local interests. If the Governor was under local control, as he would be if interested in local enterprises, he could not properly represent the interests of all the States of the Union.

To this Mr. Maginnis responded as follows:

"Let us consider the proposition the gentleman has submitted. He says the United States ought by the appointment of one individual to have a control over these Territorial Legislatures. Why did he forget the important fact that after these Legislatures have acted, after these statutes have been passed, after the Governor has signed them, this Congress retains to itself the right to review, to annul, to revise, to blot out that whole Territorial legislation whether it has been signed by that Governor or not? We, sir, are infinitely more willing to trust the wisdom and action of this representative body of all the people of America than those of any man appointed, as so many are, under political patronage, who goes out to our Territories unidentified with our people, with no interest in common with us, very often a mere adventurer, and, as the gentleman from South Carolina has said, with his carpet-bag in his hand, ready to come away as soon as his term of office expires.

The same objection which the gentleman from Iowa has urged would apply to the Governors of all those States. And why? In the early days, when a few hunters and trappers and pioneers merely were found in those Territories, there might have been some force in the gentleman's argument. But now, in the youngest of them men have been born and grown to manhood and cast their first vote in them, without ever having actually voted for the President of the United States in whom this patronage is lodged, and without having any voice

as to who shall be their Governor. I do not believe in the early days it was intended these Territories should grow to this immense size without being admitted to the Union. But I know there is a growing idea against admitting them to the Union of the States. These great States are jealous of the admission of new Territories. Their Senators are jealous of admitting two Senators from one of these Territories to balance their reputation in the Senate, and in the present state of political parties both are equally careful lest the admission of some new State should influence the balance of political power between them. And under the rules of this House even although a majority should be in favor of the admission of a new State, a minority could and would successfully resist it. So that there is no hope of the admission of these Territories as States and of the solution of their difficulties and the removal of their grievances in that way.

The only thing then we can fall back upon is to perfect as well as we can the present Territorial system, which I undertake to say is the most infamous system of colonial government that was ever seen on the face of the globe. I ask what are these Territories? They are the colonies of your Republic, situated three thousand miles away from Washington by land, as the thirteen colonies were situated three thousand miles away from London by water. And it is a strange thing that the fathers of our Republic when they threw off the yoke of Great Britain, established a colonial government as much worse than that which they revolted against as one form of such government can be worse than another. I made that statement in 1876, and Mr. Potter asked me if the United States government had ever annulled any of our laws. And the gentleman from Iowa will remember our answer, for we were then both on the same side, that not only particular enactments but the laws of the whole sessions of our legislatures had been wiped away by one word.

A colloquy then ensued between Mr. Maginnis and several members on the constitutionality of the bill, the Montana Delegate maintaining that the bill was undoubtedly constitutional. Mr. Eaton, of Connecticut, in opposition, said:

I feel with my friend from Montana [Mr. Maginnis]. I believe that the President of the United States would act wisely and do well in the appointment of governors, to select persons who reside in the Territories and who have interests with the inhabitants of those Territories. But I submit to my friend that I am troubled with this provision of the Constitution. I read from article 2, section 2 of the Constitution of the United States, that instrument which some people do not like to have spoken of:

He [the President] shall have power to * * * appoint ambassadors and other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law.

We establish by law that there shall be a Governor of the Territory of Montana; and by the Constitution the President of the United States has the undoubted right to nominate and appoint the Governor of that Territory. Instead of taking my distinguished friend who is a resident of Montana, who has all his interests there, the President goes to Maine and takes my friend, the distinguished Representative from Maine. He has the right to do that; his power in that respect can not be limited.

Mr. Maginnis. There is no doubt he has the right to do it under the law; but there is no doubt either that the Congress of the United States has the right to fix the age, residence, and other qualifications of Governors of Territories. None in the world. Under those qualifications, as established by law, the President has a right to appoint Governors of Territories.

Mr. Brents of Washington Territory, made a strong argument in the same line as that of Mr. Maginnis, and was followed by Mr. Horr of Michigan:

Mr. Speaker, there can be no question, it seems to me that this bill is unconstitutional. If you have a right to restrict within a particular Territory the discretion of the President of the United States in the selection of officers under our Constitution, then you can still further restrict it. You can say he shall be limited to a certain county in each Territory. If you have the right to do that you can say he shall be restricted to a certain township. If you have the legal right to make this provision you can limit his selection to residents on a certain street in a certain town, and finally, you can bring it down to a certain number on a certain street and thereby appoint the Governor yourself.

Mr. Brents. Does that make it unconstitutional?

Mr. Horr. It does. You have just as much right to pass a law prescribing that every judge of the United States Supreme Court of the United States shall be selected from the State of Ohio—a State which I know would be offended by any such discrimination. [Laughter.] No man would submit to such a violation of the Constitution.

* * * I was observing when you come to carry out this doctrine to its logical effect, it is absurd on its face. If the Constitution means anything it means that the President shall have the power to select these men. This is an attempt to prevent that.

Why do our friends from the Territories put on such a terrible face about this matter? We not only pay out of the Treasury of the United States the salaries of the Governors of the Territories, but we pay also the members of their Legislatures.

Mr. Brents. Give us the privilege of electing them and we will pay for them very gladly.

Mr. Horr. We pay for your Representatives in your Legislative Assemblies as they come together.

Mr. Brents. Yes, and the money that is paid is put into the Treasury from our taxes just as well as it is from your taxes, and we pay them just as much as you pay them.

Mr. Horr. This matter of distinction between Territories and States is a constitutional distinction, and one which we should never lose sight of. These appointments by the Executive of this nation are made under the Constitution. He has the right to select the men, and such an instance might occur where it would be utterly improper to appoint a man who lives in the Territory.

After considerable interruption and much cross firing Mr. McCoid, of Iowa, spoke as follows:

"I do not intend to discuss the merits of the bill itself, but I am surprised at the constitutional objection made by the gentleman from Connecticut [Mr. Eaton]. There are two questions in regard to the appointee of a Territory; one is, who is the appointing power, and that is placed in the President of the United States under the Constitution; the next is, who is qualified to be appointed, and that is fixed by Congress itself. Congress may fix the qualifications of the appointee. Why, Congress has done that many a time, and the gentleman from Ohio has the point exactly, for in the case of circuit judges, Congress has fixed the limitation that they must reside within their circuits. This is the same question exactly. Take the case of district judges, and they are appointees of the President, but Congress has fixed their qualification, and that is that they must reside within their districts."

Mr. Hiscock, of New York, took issue with Mr. McCoid, and claimed that residence had never been construed as a question of qualification, but this was combated by several gentlemen. Then Mr. Tillman, of South Carolina, said:

Mr. Chairman, I am rejoiced that several gentlemen on the other side of the House are contending to-day that there is some limitation on the discretion of Congress by virtue of certain provisions of the Constitution. But the discretion they deny to Congress they claim for the one-man power. They quote many passages that they regard as authority for the President to make the appointments of gubernatorial officers for the Territories in his discretion despite the will of Congress.

Now, sir, the joy I first felt that they were still willing to cite the Constitution—that they were still willing to respect it as not obsolete—was dashed and marred, I must confess, by their abdicating their own plainly granted powers in behalf of a despotism on the part of the Executive. Since a number of extracts of this not yet obsolete instrument have been quoted, I beg leave to read a short passage myself:

The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof. (Article 1, section 8, clause 18.)

That, sir, is the most comprehensive provision of the Constitution; in fact, it is the mainspring of the whole machinery of our Government. I would like to know what there is to prevent Congress from passing a law to regulate every branch of the civil service or to provide a government for the Territories by annexing any qualification or condition it pleases of age, residence, or otherwise that it thinks fit, which the President must respect in making an appointment. The only limitation on the discretion of Congress in that respect is that which the Constitution itself provides, in the way of age and residence and citizenship for the President and Vice-president and for members of the Senate and House and for Presidential electors.

Congress cannot pass any act to add to or detract from the prescribed qualifications for those elective officers. But it can attach any qualification it pleases to any other officer or agent of this Government, and the Executive is bound to respect it. I wish I had time to pay my respects to the carpet-bag officials who have been intriguing, blundering and domineering in the Territories as they used to do in the South, but I am sorry I have not the opportunity.

Mr. Brown, of Pennsylvania, having objected to the appellation "carpet-bagger" as applied to appointees of the Government, was answered as followed by Mr. Tillman:

If the gentleman from Pennsylvania will permit me, what the South means by a carpet-bagger, what I mean by a carpet-bagger is a stranger who leaves his country for his country's good and goes among a people with whom he has no sympathy, and of whose affairs he knows nothing, to get office and nothing but office, and who prostitutes that office for personal or private gain—who, when he can no longer steal

from and rob and oppress the people according to the forms of law, gathers up his carpet-bag and leaves as he came, in a hurry. Anyone who goes into the Territories or into the Southern States to share the fortune of the people for weal or woe is not looked upon as a carpet-bagger. We are prepared to welcome any man who comes to South Carolina or anywhere else in the South to become part and parcel of us; but we feel it both a duty and a pleasure to abhor and denounce the ravenous bird of passage who comes armed with authority to prey upon the community. [Applause.]

Considerable feeling was exhibited before the bill came to a vote, attempts being made to recommit, and Mr. Hart, of Ohio, endeavoring to exclude Utah from its provisions. His motion was lost and the bill finally passed. It is quite a question whether it will meet with the same favor in the Senate. The bill is certainly founded on just and wise principles and will be of benefit to other Territories, but will not be of much good to Utah, as it is quite unlikely that any one but a pronounced enemy of the majority of the citizens of this Territory would receive the appointment of Governor. However, the measure is a step in the right direction, and may lead to still better things for those satrapies or dependencies of the General Government usually called Territories.

"THE WOMEN OF THE BEEHIVE."

THE *Century Magazine* for May contains a very interesting and well-written article entitled "The Women of the Beehive," by H. H. (Helen Jackson). It is a remarkable contribution to current literature, for it treats of the rise and progress of "Mormonism," without any disposition to misrepresent either its history or tenets. The "Women of the Beehive" are of course the ladies of the "Mormon" Church, whose devotion, sincerity and fidelity to that which they believe to be the will and word of God, are warmly commented upon and whose purity of character is ably defended by the writer.

H. H. is thoroughly skeptical as to any divinity in this great work, and displays, as we think, some disposition towards general doubt of things deemed divine by professing Christians of all creeds. But she handles this matter with proper respect to the sincerity of the people whose doctrines seem to her absurd, and presents her subject in an unobjectionable manner and in a way to excite and maintain the deep interest of her readers.

The present status of the "Mormon" question is handled with due regard to the faith and position of the Latter-day Saints, and while her hints to the leaders of the people are prompted by incredulity as to their claims to divine authority, they manifest a desire for the welfare of the men and women whom she considers fanatical and deceived, which offsets any unpleasant feeling that might arise from her suggestions.

This number of the *Century* is otherwise very interesting, and the "Women of the Beehive" makes it doubly so to all who have paid any attention to one of the most important subjects affecting our age and nation.

"RETIRED."

THE Salt Lake *Herald* of Sunday morning announces, editorially, that "Mr. Wm. C. Dunbar has severed his connection with this institution." The announcement will be received with general regret. Brother Dunbar was one of the founders of the *Herald* and has stood by it under circumstances of great difficulty, devoting his lively energies and unfaltering fidelity to its interests. His influence has always been on the right side, and his business talents have been of vast benefit to the establishment of which his well known and respected personality formed a prominent and, as was supposed, a permanent feature. Although his health has been feeble for years, the effects of the *Saluda* explosion, of historic memory, and a subsequent sunstroke having weakened his otherwise vigorous constitution, he has stuck to his post with a persistency that is remarkable and commendable. The *Herald* office will appear to be incomplete without his mobile and expressive countenance. Brother Dunbar has figured prominently among the "Mormon" people in the Old World and the New. He was an efficient and successful missionary, a humorous and exceptionally brilliant actor, a careful and economical business man, and has always been a good and exemplary citizen. As Counselor in the Bishopric of the Twentieth Ward he has been an active and energetic laborer for the people's good, and he is endeared to the hearts of many thousands in Latter-day Israel. We but express their sentiments in wishing Brother Dunbar on his retirement from the *Herald* and the rest it will afford him, health, peace, prosperity, and a good and happy old age, with the blessing and exaltation of glory among the highest in the eternity to which we are all hastening.

Gets very hot-headed when it is scratched—a match.

A DEPLORABLE SPECTACLE.

THE so-called Republican convention held in this city on Saturday, a description of which was given in our local columns, presented a humiliating spectacle. It calls for the sympathy of the calm and dispassionate class of the community to see men so far forget themselves as to turn what should be a deliberative assemblage into something bearing no very remote resemblance to a howling mob.

The more consistent people are anxious to see men aspiring to political prominence show that they at least know how to behave themselves with some degree of decency. What benefit can accrue to anybody by supplanting sense with uncontrollable passion, and decorous and courteous demeanor by hurling the most abhorrent epithets, as was done on Saturday. "Liar," "dog" and "jackass" are surely not appropriate appellations for use among men laying the least claim to respectability.

It is not creditable for men who meet to deliberate upon and discuss matters that should be of some public moment to tell the most disgustingly filthy anecdotes, and then twist their application to individuals taking part in the proceedings. It is enough to cause the dispassionate onlooker to exclaim, with Shakespeare—"Judgment, thou has fled to brutish beasts and men have lost their reason."

Neither is it at all consistent with manly principles for men to circulate detrimental statements regarding fellow members of their own political party with a view to heading off any influence they might wield in convention or elsewhere. Nobody can endorse such a course as that.

Such proceedings as those of Saturday last are but a repetition of similar gatherings in the past, but we advise reformation. It won't do for men who pose as patterns of perfection to exhibit the fact that they have neither sufficient sense nor self-control to last them over an hour and a half at a stretch. Professionally these men lead the van of common decency in the community, but practically they are so far in the rear in that regard as to be well high out of sight of the bulk of the people.

These local republicans are great sticklers too for political liberty. They are tee-totally opposed to the many being influenced by the few. Nothing shocks them so much as anything in the shape of a "cut and dried" manipulation of political gatherings. They are strong advocates of nominations of every kind being made from the body of the house. Especially is this method insisted upon in the operations of the People's Party, mostly composed of "Mormons." When this is not done, then those who submit to the departure from popular selection are denounced by these "Liberal Republicans" as but a little better than slaves under the control of influential men. Of course, the "cut and dried" ticket of Saturday, which was formulated and printed, looked like a side issue from the more liberal professions of these wide-minded men, but the public must shut their eyes to this apparent inconsistency. Doubtless it could be explained on the ground that the body of the assemblage were devoid of sense, which the few considered was concentrated in a very limited number.

The appointment of a committee on nominations, who took the printed slip on one side and returned with it might be considered as a matter of cold formality, seeing that it was all arranged by the favored few beforehand, but profession is one thing and practice another, and consistency should not be expected from a source in which it was never known to exist. All these things which are denounced by the "Regenerators of Utah" must be tolerated in them, for with that class it depends entirely upon "whose ox is ored."

The same parties are opposed to man worship. Such a condition is subversive of the spirit of Republicanism. They will have none of it (in others.) They claim that it exists where it does not, so strenuously are they against anything of that nature. But the manner in which they indignantly prostrate themselves before Governor Murray and apparently are ready to lick the dust from his feet, appears like a contradiction of this pet theory of the regenerators. But it may be offered as an excuse that this will not always be thus. Mr. Murray has been working and manipulating to put matters in a shape that would give him a position at the head of an autocracy. Should this scheme succeed his local political power would necessarily be something immense. Even a remote prospect of his wielding such prestige would cause people seeking after political preferences to hang on to the skirts of his garment. Let it be demonstrated that his intrigue is a failure and all the fulsome adulation of which he has been the object will fade like thin vapor.

While we do not wish to censure these political and moral regenerators of Utah with any great degree of severity, we will doubtless be excused for suggesting a little less noise and a trifle more sense; a smaller degree of theoretical and a larger exhibition of practical consistency.

"No" said a sinner, "I have read the Bible all I want to; it's too personal,"—*Philadelphia Call.*