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POPULAR WILL VS. THE CONSTITUTION.

VENERATION for the Federal Constitution is rapidly fading in the country. A corresponding sentiment in favor of tampering with it, is spreading. The conditions which will exhibit the fact that the Latter-day Saints are more tenacious in adherence to its principles than any other class of citizens are developing. The provisions of the instrument are harmonious with the requirements of justice, and the Saints hold that its framers were inspired when they formulated it. Joseph Smith prophesied that the principles it embraces would, in course of time, be ignored and trampled upon, and the nation consequently driven into the direst distress. From the resultant chaotic condition it would become the high privilege of the "Mormons" to redeem the country, by summoning the good, intelligent and true to flock around the standard of liberty to assist in the re-establishment of the government on a constitutional basis.

Every invasion of a natural right is necessarily at variance with the Constitution, all citizens alike being entitled to the protection of life, liberty and property. All laws that treat these subjects differently as they relate to one class of citizens, to the treatment accorded to all others, are essentially unconstitutional, the theory of our institutions being that all men are equal before the law. This theoretical equality enters into the administration of the law as well as the intrinsic quality of measures.

A sentiment is gradually gaining ground among leading men of the government that threatens the very existence of the Constitution. Carried to its legitimate result it would wipe out the instrument heretofore regarded as the great bulwark of the people's liberty. It was expressed a few days ago in the United States Senate, by a gentleman no less distinguished than Senator Ingalls, who, during the discussion on the

anti-trust bill, is reported to have expressed himself thus:

"The people of the United States have a reasonable degree of respect for the Constitution, but they are not afraid of it. The Constitution was a growth and not a manufacture, and the Constitution of 1890, by reason of the operation of the will of the people who made it, was a vastly different instrument from the Constitution of 1789. Its authors would not know it. They made it for a specific purpose, not for the object of enabling country lawyers to devise definitions, or to put obstacles and barriers to the will of the people."

Senator Edmunds not long since took similar ground, which means that a constitution places no restriction upon the people when they will to ignore it.

What is meant by the will of the people? Simply the will of the majority. One of the chief objects of a constitution is to protect minorities from the encroachment of majorities. If it has not the salutary effect of restraint, the weak will be at the mercy of those who outnumber them. The popular will is directed by the public conscience, consequently when there is a decadence of rectitude in the majority, good bye to the rights of minorities.

The Constitution embodies a declaration of principles which, if lived up to, would prevent innovations of natural rights. If it is not binding on the popular will, which means the will of the greater number, it becomes incompetent for its duties and goes to pieces. The tendency to set aside the fixed principles which the constitution inculcates is fraught with great danger to the country.

A NEW ESTRAY ORDINANCE NEEDED.

THE present ordinance of this city relative to estray and trespassing animals should be immediately superseded by a new one that would conform to the new Territorial law upon the subject. It is open to all the objections that were raised against the old Territorial statute, and which the courts sustained, thereby rendering inoperative the essential features of that law, of which it is, as a matter of fact, nothing more than an adaptation.

Under the new Territorial law poundkeepers are done away, as also is the old method of appraising the damages. The City Council should follow in the wake of the superior legislative body, by abolishing both these features of the present ordinance. Before a man's property is sold he is entitled to "his day in

court," which he does not have under the poundkeeper system; and in order that he may enjoy this right, the selling of the stock must be under the order of a court, and must be preceded by certain judicial proceedings, all of which is impracticable under the poundkeeper method.

The old way of appraising the damages done by trespassing animals, was unconstitutional, in that it conferred judicial functions upon the appraisers selected for the occasion, whereas such functions can lawfully be exercised only by judicial officers, such as a justice of the peace or other court. All proceedings based upon an unlawful appraisal of damages, are, of course, void, and parties to them, poundkeepers especially, are likely to be rendered liable to litigation, and for damages.

Under the new Territorial law, the person damaged may seize and hold the trespassing animal until the damage is paid. Forty-eight hours is given in which he and the owner of the animal may settle without litigation. If they fail to do this, the case goes before the justice of the peace of the precinct, by whom the amount of damages, costs, etc., is judicially determined, and under whose order the animal is sold, if needful. The necessity of having a city ordinance upon this subject, corresponding with the Territorial law, is too obvious to need urging. This requirement exists in all the incorporated cities of the Territory.

THAT RAILROAD SCHEME.

WE are in receipt of a marked copy of the San Diego Union of March 25th, which contains an article under the head, "Why Carlson is Frantic," which relates to a railroad scheme that has been talked about considerably in this city. We here reproduce it:

One explanation of the frantic efforts of the Carlson-Graves outfit to unload their 45,000 "shares" upon the people of Salt Lake, or any other community that will bite, may be found in the following extract from Section 2 of their franchise, which was granted on May 3, 1889:

"Terms and Conditions—The said Los Angeles, San Diego and Yuma Railway Company is to have twenty five miles of railroad in operation eastward from San Diego, running easterly from the junction of H and Atlantic streets, within one year, otherwise said Los Angeles, San Diego and Yuma Railway company will lose and forfeit to the said city the franchise granted hereby and all work done thereunder, and also all ties and rails laid thereon, from the intersection of H and Atlantic streets to the limits of National City, through the said city of San Diego."

As it is now a physical impossibility, even if abundant financial means were