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"SELF-GOVERNMENT IN THE TERRITORIES."

THE March number of the *International Review* contains a paper on Self-Government in the Territories, from the pen of Hon. Decius S. Wade, Chief Justice of Montana. It is as sound in principle, as forcible and lucid in diction, and is calculated to influence public opinion and particularly the leading minds of the country, in a salutary manner.

The article commences with a quotation from Chancellor Kent, which we give in full, as the time and the condition foreseen by the eminent jurist are here, and his opinion of the Territorial system is valuable in a discussion upon its effects. He said:

"If the government of the United States should carry into execution the project of colonizing the great valley of the Columbia or Oregon River to the west of the Rocky Mountains, it would afford a subject of grave consideration what would be the future civil and political destiny of that country. It would be a long time before it would be populous enough to be created into one or more independent States; and in the meantime, upon the doctrine taught by the Acts of Congress and even by the judicial decisions of the Supreme Court, the colonists would be in a state of most complete subordination, and as dependent upon the will of Congress as the people of this country would have been upon the King and parliament of Great Britain if they could have sustained their claim to bind us in all cases whatsoever. Such a state of absolute sovereignty dependence and of absolute dependence with the free and independent spirit of our nation, and the establishment of distant Territorial governments, ruled according to the will and pleasure, would have a very natural tendency, as all pro-consular governments have had, to abuse and oppress."

Judge Wade shows that the problem contained in the prophetic words of Chancellor Kent is one of the important living questions of to-day. The fabric of our territorial governments covers an area of 868,472 square miles and provides law for more than half a million of people. It has three prominent features:

"First. That the people of the Territories are not represented in Congress.

Second. That they are not permitted to elect their own officers; and,

Third. That they are deprived of the privilege of making their own local laws, save as the same may be approved by Congress, whereby the people are forbidden the right of self-government."

To establish the first proposition he gives the history of the admission of the first Territorial Delegate into Congress, and shows from the debates over the question that a delegate with a right to speak but not to vote, was declared to be a new character unknown to the Constitution, in fact a *nondescript*, not a member, and being only "the mere shadow of a representation," had no voice in the making of laws, but, with the privilege only to supplicate for common rights for the people, had no power to enforce or protect any of those rights. The delegate—Mr. James White, from the Territory south-west of the Ohio, was admitted simply because a pledge had been made to the people there that they should receive representation in Congress, and this was the only perceptible way out of the difficulty.

In support of the second proposition he pictures the condition of the Territories under the government and administration of strangers, sent by the arbitrary dictum of the President, and having no

interests in common with those upon whom they are imposed.

And on the third proposition he describes the helplessness of the Territories under the supreme control of Congress, which can annul every Act of the local Legislatures. He does not touch upon the absolute veto power of the Governor of this Territory, as that is not common to all these satrapies, but is an additional act of despotism and unjustifiable tyranny, which Utah is singled out to bear alone.

He then takes up the power of Congress over the Territories as defined by the U. S. Supreme Court and judicial authorities, which is declared to be "absolute and unlimited." This being the case, he argues that Congress has, therefore, "all power and authority to bestow upon the people of the Territories those common rights of self-government that pertain to every American citizen." In other words, that, failing to give them the rights of State government, Congress has full power to grant them the privilege of electing their own governors, judges, and other officers now appointed without their consent. The refusal to do this, he says, "is interpreted into a desire to exercise power for the mere sake of power, or into a feeling of neglect and want of interest in the Territories."

The writer goes on to descant upon the uncertain tenure of office as another fault in the Territorial system; and enlarges upon the plots, cabals and petty attacks of ambitious adventurers upon those occupying official positions in the Territories, the cure of which lies in local self-government; upon the amazing difference between the condition of a citizen when in a State and when he moves into a Territory; upon the necessity of reducing the appointing power of the President, already too extensive for the welfare of the republic; and upon the injustice of depriving of the common rights of citizenship the hardy pioneers who have planted and nurtured these young commonwealths, adding to the wealth of the nation and multiplying its power.

We cordially endorse the sentiments of Judge Wade. And we think that the time is at hand for a general effort on the part of the Territories to free themselves from the irksome yoke of vassalage. The whole spirit of republicanism is certainly discordant with American institutions. In all human probability the Democratic party will be the controlling element in the new Congress. The right of local self-government is one of the fundamental principles of that party. Such arguments and undeniable statements as those of Judge Wade ought to be presented in a public manner. They express the views of the great body of the people in all the Territories. Their united voice should be sounded in the ears of the Forty-Sixth Congress, in unmistakable tones. "State governments, or the right to elect all our own officers," should be the thundering cry of the Territories. We do not believe it would be heard in vain.

Utah should form no exception to the rule adopted by her neighbors, unless it be her admission in advance of the rest because she is older, more populous, in better condition every way for the rights and powers of Statehood. None of the objections that have been raised against her admission will stand the light of truth and reason. They are only set up by persons who fear that Statehood for Utah would provide no position or emoluments for them. Could they be assured of place and provender under a State government none would shout so loudly in its favor as they. There is not a valid argument that can be raised in favor of Utah's continuance in her present condition of ignoble servitude, nor in favor of the general system of Territorial tyranny, which the experience of a hundred years has demonstrated to be unjust in principle, undesirable in practice, subversive of political liberty and opposed to the genius of democratic republicanism.

THE WATER QUESTION.

THE unusually early Spring and the absence of the rains and snows which generally fall at this season of the year, with the lack of snow in the mountain dells combine to cause great apprehensions of

drought in this Territory during the coming summer. It is quite likely that we may yet have plenty of wet weather to start the grain and garden seeds which have been planted, and give a fair prospect of general crops. But the indications are portentous of a dry season, and many gloomy forebodings are indulged in by borrowers of trouble.

The only good in anticipations of evil is a wise preparation to meet the ill, and ward it off as far as possible. It may be that frequent rains will refresh the parched earth during the approaching heated term, and that an abundant harvest will change the depression of our farming friends into the gladness that comes of full barns and overflowing granaries. We hope so. But, considering the wider breadth of land which each succeeding year brings under the plow and harrow, it is necessary that the facilities for irrigation be enlarged. This is one of the requirements of the times, and a subject that needs consideration all over this Territory.

But just now our attention is turned more particularly to the water needs of Salt Lake City. Whether we have a dry or a wet summer this year, it is very certain that some better arrangements for water supply are among our first pressing necessities. We need more water for irrigation, we need better water for drinking and culinary purposes. If a full supply of the former were secured, it would be comparatively easy to obtain the latter. We hope to see the time when the benefits of the water-works will be extended all over the city. We believe the mortality and sickness would be greatly reduced by this means. The dry places on the beaches, and the lower levels where wells are filled with mere seepage water, contribute very largely to our death-list and provide much work for the doctors. If the local mountain streams could be dispensed with for irrigation and utilized for house supply, Salt Lake would be a much healthier and pleasanter city to live in.

But this cannot be done without bringing in irrigating water from the outside. The most feasible plan we hear of to effect this object is a canal from Utah Lake. Such an artificial channel as is proposed would be of immense benefit, not only to this city but to the whole district between it and the lake. Farming land in its path now worth but from \$5 to \$20 an acre, would rise in value to \$100 or more an acre. City lots would also be worth far more than at present. The continual difficulties of the irrigating season would be avoided. Garden and fruit crops would be, so far as water is concerned, assured. Settlers on the high benches would be relieved of their great grievance. The barren looking spots around their dwellings would be adorned with foliage. The beauty and wealth of our city would be wonderfully enhanced, and when the irrigation demand is thus supplied the utilization of the sparkling mountain streams for general household use would follow in its time.

"But the undertaking would be very costly." Undeniably true. The scheme looks well on paper, and it would look better practically effected on the land, but where is the money to come from to do the work? "Borrow it," say some; "the city can stand a bonded debt, and posterity ought to bear the burden as well as enjoy the benefit of our labors." But this does not harmonize with the policy which our wisest men have marked out and endeavored to sustain. Freedom from debt is as beneficial to States and communities as to individuals. Interest is a clog on the feet of progress. It eats into property like rust into iron. It is life to the lender but death to the borrower. Debt is bondage whether the debtor be an individual or a corporation. And we desire to leave no legacy but good to succeeding generations.

If it is not advisable to contract a debt, unless it may be a temporary arrangement of such proportions as may be met in a short time, and rendered necessary by the exigencies of the situation, how can the project be made practicable? It appears to us that those who would receive the immediate and chief advantages of the canal should bear

the principal part of its expenses. The owners of land to be irrigated in and out of the city, who are very numerous and nearly all able to do something towards it, could accomplish a great deal in its construction, leaving the municipality only that portion to perform which could be done without the powers of raising means conferred upon it in the charter. It is as necessary for corporations as for persons sometimes to contract temporary loans, the benefits accruing therefrom being greater than the inconveniences of interest-bearing debts. But it would be well for our City Fathers to hesitate before binding a load upon the corporate body which would descend to posterity, and particularly if it would transcend the bounds marked out by legislative restrictions.

Why cannot this necessary work be principally done in the old-fashioned way? There is plenty of muscle lying inactive, lots of labor waiting to be employed, an abundance of energy ready for exercise. Bone and sinew used to be our capital, co-operative industry our bonds and division of benefits our coupons. We advanced our own funds and ourselves received the dividends. We have some faith that the same methods by which large canals were built in the old times could be practically adopted at the present. This matter however is no small concern. It is not a little watering ditch that has to be dug. It is a big affair, involving much labor, not a little skill and good management, and pregnant with no trifling consequences. The matter needs careful consideration and correct mathematical reckonings. The plans must be well digested and the cost fairly counted. Then the public could be called together, and by union, determination and perseverance the good work could be accomplished.

It would be well to consider the propriety of acquiring the right of way conferred upon the old Deseret Irrigation and Navigation Company, and the work accomplished by that association, which would, perhaps, be a big beginning towards the enterprise. No doubt satisfactory terms could be made which would be beneficial to all parties concerned. We perceive the immense advantages that would accrue to the people of this city and county from the proposed canal, and will do our best to support the project. But we hope to see the work done, as speedily as possible, without throwing to the winds the good policy of the past in relation to debt. The canal is a necessity. We need it right now. But are we prepared to reverse our principles, and in order to hurry forward a much-needed enterprise, follow in the wake of the world, the end of whose ways is bankruptcy and financial chaos? This is the question for the people to consider.

UTAH AFFAIRS IN THE SENATE.

THE Legislative Assembly of this Territory, at its session of 1874, served the people without remuneration. The appropriation usually made by Congress for the salaries of officers and members was diverted for the payment of the judicial expenses of the Territory, with the proviso that on the money being reimbursed to the United States out of the territorial treasury, the officers and members of the Legislature could draw their customary per diem and mileage. The Assembly refused to make the appropriation thus sought to be forced upon them, and therefore served without pay, preferring to lose the money to which they had a legitimate right rather than yield to this unrighteous attempt at their coercion.

It had been represented to Congress that no appropriations had been made for the judicial expenses of the Territory, and that none would be made by the Legislature, in consequence of certain changes in affairs here made by the Poland bill. The duties previously discharged by the Territorial Attorney General and Marshal were transferred by that law to the United States District Attorney and Marshal, and these officers thought that the Legislature would not

make any appropriation which they could handle. The then Marshal went to Washington, and, by pertinaciously hanging upon the heels of committees, procured the introduction into the civil appropriation bill of the clause diverting the pay of our legislators in the manner described. It was thrown out several times when the bill was reported and re-reported to the House and in the Senate, but was finally smuggled in and passed in the hurry of the closing moments of Congress.

The statements and representations on which this measure was based were entirely untrue. The Legislature had made appropriations to be disbursed by the Territorial Marshal in previous years, and even at the session of '74 did appropriate \$11,000 for that year and \$11,000 for the following year, for the payment of jurors and witnesses fees in cases arising under the laws of the Territory, to be disbursed by the U. S. Marshal under certain wise restrictions. So the assumed facts on which Congress acted were false, and the anticipations by which that body was influenced were groundless. But Utah is generally judged and condemned in this fashion, falsehood to her disadvantage being accepted as the truth, and little trouble being taken to investigate.

During the last hours of the recent Congress, a similar attempt was made to defraud the Legislature of Utah. It passed the House, but when the bill was in consideration in Committee of the Whole of the Senate, Mr. W. W. Eaton, of Connecticut, moved to strike it out, but was defeated through a motion made by Mr. W. Windom, of Minnesota. However, Mr. Eaton renewed his motion in the Senate, and an animated debate ensued, which is reported in full in the *Congressional Record* of March 4th.

Senator Eaton proposed to strike out all after the word "dollars," in line 1584, to the end of the paragraph, in the following words:

"And this appropriation may be used, under the direction of the said Department, to defray the judicial expenses of the supreme and district courts of said Territory; and the amount so used shall be reimbursed to said appropriation out of the treasury of said Territory; and until such reimbursement shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States."

Whereupon Senator A. A. Sargent, of California, suggested a modification, which was accepted by Mr. Eaton, to strike out the following:

"And until such reimbursements shall be fully made, no member or officer of said Legislative Assembly shall be entitled to any compensation or allowance out of any moneys of the United States."

Mr. Sargent made a very pointed speech, showing that this provision was only inserted in the bill one year, and had not been re-enacted; that by its terms the officers of the Legislature were to be punished because the members did not see fit to do certain things; and wanted to know why a bribe should be held out to the Legislature to induce them to pass a certain measure. He denounced it as coercive and unjust, and a species of terrorism.

Senator G. F. Edmunds, of Vermont, made a vehement speech on the other side, in which he made use of the untruths that we have refuted above, and which he obtained from the misrepresentations formerly made to Congress, and also displayed great lack of knowledge of the law in relation to the Territories. Said he:

"The Senator from California says that that is an abuse of the Legislature of the Territory of Utah. I submit with great respect to his better knowledge of abuses, that it is quite the reverse of an abuse; that it is laying the hand of just legislative action here in appropriating money out of the Treasury, as we must carry on the courts there, to say it shall be set off against the money that we would otherwise appropriate for the pay of this Legislature, and let them appropriate to pay themselves, as they may and do, when they will not appropriate to pay the courts."

When it is understood that a law of Congress is in force, one which Senator Edmunds himself helped to frame, forbidding this, the gen-