

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - May 6, 1874.

NOTICE.

It is advisable that our settlements take immediate steps to raise the molasses-producing variety of sorghum, also broom corn and mustard, and prepare in time for drying, canning and otherwise saving the different varieties of fruit, and for making pickles, that, so far as possible, these products may be supplied without importing.

BRIGHAM YOUNG,
GEORGE A. SMITH,
DANIEL H. WELLS.

NOTICE.

The adjourned Annual Conference will meet on Thursday morning, May 7th, at ten o'clock, in the New Tabernacle in this city.

UTAH JUDICIAL MATTERS.

The Omaha Herald has the following under date of Washington, April 24—

"The House judiciary committee to-day decided to report as an amendment to Mr. Poland's bill a provision requiring the Governor of Utah to appoint a commission to make up jury lists. These lists to be composed of United States citizens residing at least one year in the Territory, and from this list jurors will be drawn in open court; also a bill authorizing each circuit and district to appoint an official stenographer at a salary of eight dollars per day."

The Poland bill, as recently reported from the House judiciary committee to the House, so far as we have learned, places the duty of selecting juries upon the U. S. Judge, the clerk of his court, and the U. S. marshal. This amendment provides that the Governor appoint a commission to make up jury lists, from which jurors are to be drawn (by lot we presume) in open court.

This amendment might or might not be an improvement on the provisions of the bill as reported. The bill gives the choosing of the jury into two hands—the judge and the marshal. True, the clerk of the court is included, making three persons, but the insertion of the clerk is a mere nominal matter, it amounts to nothing. The clerk is the creature of the judge, being appointed and removable by him, and therefore could hardly be expected to choose any other jury than such as would be in accordance with the wishes of his official creator. The judge, then, and the marshal would be the two persons who would decide who should constitute the jury. Two individuals, neither of them chosen by the people, neither of them acceptable to the people, as is the case in this district, but both of them known to entertain virulent prejudices against the majority of the people, and therefore looked upon in the light of bitter enemies. These two men are to choose the juries to try the people, or such of them as might be so unfortunate as to be arraigned before the court. What sort of justice might be expected from such courts and such juries? They would do business, no doubt. They might indeed rush business through the courts, but what kind of business would it be, and in what manner would it be done? We forbear to attempt an answer just now. It is to be hoped there never will be a practical answer furnished to those questions.

Leaving out further reference to

the marshal, as he is not an inviting character to contemplate anyway, we may say of the judge that, as things are now, a strict "Mormon" his honor refuses to naturalize, and on that account solely. If it were in his power, there is, analogically, every reason to apprehend that he would disfranchise every naturalized and every native American "Mormon," solely for the very same reason. Yet this Poland bill proposes to put into the hands of this most proscriptive judge this most proscriptive power of selecting jurors. What is the inevitable inference? Plainly that his honor would select, in every instance, those who are not "Mormons," those who are enemies to the "Mormons," to sit as juries upon those who are "Mormons." Any one, who is acquainted with the bitter prejudices of his honor and of many of the non-"Mormons" against the "Mormons," would be perfectly satisfied that the arraignment of a "Mormon" before such a court and such a jury would be the certain prelude, and therefore tantamount, to his conviction and sentence.

Every person charged with crime is entitled to be tried before a jury of his peers, not of his known enemies, purposely chosen because they are such. The studious exclusion of any class of religionists from the jury box, and especially when one of that identical class of religionists was on trial, would be such a palpable violation of the spirit of the constitution as to well cause a tremor of apprehension to creep over every honorable citizen, as to the influence of such a dangerous precedent. To enact a law which would make such a proscriptive choice of prejudiced and inimical jurors not only probable, but morally certain, would be almost, if not quite, as palpable a violation of the spirit of the constitution. These points the New York Herald, by no means very friendly to the "Mormons," appears to see pretty clearly, as indicated in the following passage from that paper of April 22—

"CONGRESS AND THE MORMONS. —The Judiciary Committee has reported a bill to abolish the dual courts existing in Utah and place the whole judicial authority in the United States court, where it ought to be. A more serious step is the proposed exclusion of Mormons from juries. This looks very like imposing religious disabilities, and if Congress has the power to impose disabilities upon the Mormons, has it not the same right to visit any other obnoxious sect with similar punishment? Such exercises of power are dangerous precedents, and ought not to be lightly attempted. If Mormon jurors fail in their duty let the law punish them; but a law denying them equal rights with other citizens is a measure of proscription not in accordance with the liberal spirit of this century."

We have no space now to notice the "dual court" question, so we hasten to say a word upon the proposed amendment, giving the governor the power to appoint commissioners to choose lists from which jurors are to be drawn. This amendment gives one man, not the choice of the people, but by many of them supposed to be unfriendly to them, the power to choose persons who shall say who shall be eligible to become jurors. The present Governor has not acted in a manner to convince the people that he would choose, as such commissioners, such persons as the people would have confidence in, though the final particular choice from this primary general choice by the commissioners would be made in court, we are not yet informed whom by.

The great objection to both these provisions, as regards the judge and marshal, or the gubernatorial commission, is that it puts out of the hands of the people, or their representatives in any way, all choice and voice in the matter, and in many instances the juries so chosen would work inimically to the interests of the people, for it could hardly be expected to be otherwise.

CRIME DECREASING.—In an address to the grand jury, on discharging the members thereof, April 20, Judge Brady, of New York, took occasion to express his gratification at the unusual absence of crime,

which absence his honor attributed to the energy and firmness with which the criminal laws were administered. It is good to hear that crime is decreasing in the commercial metropolis of the country. There was abundant necessity for a decrease a short time ago.

WOMEN OFFICERS.

A RECENTLY made law of the legislature of California permits women to be elected to educational offices other than that of State Superintendent. In accordance with this new law, in several school districts ladies have been nominated for membership of boards of education and local superintendents. For instance, Mrs. P. J. Isbell has been elected to the school board at Placerville, and Miss Hodgton has been nominated for superintendent of public schools at Stockton. Thus the women are finding their rights conceded in other communities, as well as this. If Utah is in the van, it does not wish to be entirely alone, in this matter of appreciation of the abilities of women.

Apropos of this subject, in the following passage in the late Dr. Livingstone's last letter to his discoverer, Stanley, the Doctor shows that he was not enthusiastic on the subject of woman suffrage and woman's "rights" generally—

"You make the ladies think that your ranting at elections is perfect bliss, while if you caught them and forced them to vote only once you would hear no more of woman's rights. They, bless their dear hearts! would take to feeding the hungry, instead of palavering at public omnium gatherums."

But it should be remembered that the Doctor had passed many of his last years among savages, away from the influence of the march of modern progress. Besides, as an exchange naively remarks, the Doctor died very soon after writing that letter.

THE PRINCIPLE OF IT.

EVERY movement to procure special obnoxious legislation by Congress against Utah favors provisions concentrating more power in the hands of federal appointees at the expense of the people. This, if the plea of consistency be urged at all in connection with it, must be based upon the idea of the sovereignty of Congress over the Territories. That sovereignty is pretty well exercised any way. In Utah, for instance, the people have no voice in the choice of any federal officer, have no voice in the choice of the principal officials who rule over them, have no voice in the federal Congress. The laws made by their own local legislative assembly are absolutely vetoed by the Governor, although he has no authority to exercise the veto power in the least degree, and the laws which the Governor does condescend to do his duty with in signing are subject to the absolute veto of Congress, though, in justice to this latter body, we may remark that it has not exhibited a tenth part of the eagerness to veto the laws made by the Utah legislature as it has been urged to, and as the Governor has done.

The Declaration of Independence announces, as the leading principle of the federal government, that human governments derive their just powers from the consent of the governed, and that when governments fail in this the people have a right to change or abolish them. What people? The people living under those governments. Who are the people governed by a territorial government? The people of that Territory. The first principle of the American government, therefore, is that the government of a Territory should derive its just powers from the consent of the governed, that is, the people of that Territory, not the people of some other Territories or States, who are not subject to the government of said Territory, but to their own governments respectively. The people of Utah are the only

people in the Union, or in any way belonging to the Union, over whom the organic act of Utah has the slightest purview or authority. Therefore, they and they alone, are the people whose consent is imperative to the character and acceptance of the organic law by which they ought to be governed. Otherwise the Declaration of Independence is a lie, a high sounding fiction, and the colonies had no right to establish the federal union.

The federal States, however, in Congress assembled, assume the right, the sovereign right, to legislate for the Territories, on occasion to legislate absolutely for them, although it has accorded to them local legislatures, but with restricted powers. Indeed it is sometimes assumed that the constitution does not apply to the Territories, and consequently that neither does the Declaration of Independence.

If Congress must not be guided by the Constitution and the Declaration of Independence, in its legislation for the Territories, by what fundamental rules must its action be determined? By the constitution of England, or by other monarchical or imperial precedents? Or must Congress legislate for the Territories at random, autocritically, absolutely, irresponsibly, without compass, rudder, sun, moon, or pole star? Must State citizens be legislated for by Congress constitutionally, and territorial citizens unconstitutionally, and in violation and defiance of constitutional principles? This cannot be accorded on any account. We must conclude that Congress is morally and really as much bound to legislate in accordance with constitutional principles for the Territories as for the States, and if so the wishes of the people of a Territory ought to be considerably regarded by Congress in its legislation for such Territory. If this were invariably the case there never would be any special proscriptive legislation by Congress respecting Utah or any other Territory, and it would be useless for partizan demagogues, such as those who are working against the interests of Utah, to urge any such legislation upon Congress, as that body would consider such urging a wanton insult.

The Constitution requires Congress to guarantee to every State in the Union a republican form of government, and empowers that body to make all needful rules and regulations respecting the territory or other property of the United States. If a republican form of government is so desirable for a State, that it is imperative upon Congress to guarantee such a form of government to every State in the Union, by what kind of logic can it be made to appear that it is needful to ignore republican principles in legislating for and governing a Territory?

In the ordinance for the government of the North-West territory, the precursor of the present territorial system, although the governor, judges, etc., were made appointive by Congress, yet it is therein expressly stated that a number of articles incorporated in that document were ordained and declared by Congress to be "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in said territory; to provide also for the establishment of States, and permanent governments therein, and for their admission to share in the federal councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest."

These articles were "articles of compact between the original States, and the people and States in said territory, and forever remain unalterable, unless by common consent."

Among these articles thus specially prepared to insure to the people of the north-west territory, and analogically to the people of all other territory of the United States, "the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory," and analogically in all other territory of the United

States, one of the articles provided that "the said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto."

Here then are express statements and provisions to the effect that the fundamental principles of the American government shall extend not only to the States, but to the territory of the United States, and that the legislation of Congress therefor shall be in accordance with those principles. This makes all the special proscriptive legislation toward Utah look all the more heinously unprincipled, and proves the concoctors, aiders and abettors thereof to be virtually traitors to their own country, and especially to the constitutional principles of their own country, this great and glorious republic of the United States of America.

DRESS AND SENSE.—"Mollie," in the Cincinnati Times, thus discourses upon the subject of dress and sense—

"I do not think that the sensible class of men admire walking signs for millinery establishments. Why? First, because it doesn't indicate solid worth, and isn't either practical or practicable; second, because fine dresses, bonnets, &c., go deep into the pocket, and men look at these things in a business and practical sort of way. While nine-tenths of the men are toiling and economizing, a large portion of the other sex are hemming ruffles, making puffs and discussing the fashions, without even taking a thought of how much money it takes to sustain all this foolish frippery. Men grin and bear it only to gain the smiles and approbation of their mistresses."

"As to whether a young man would keep company with a lady behind the times in regard to fashion, I answer that if her old hat or old dress is not the result of triflingness or laziness, and if her mind is stored with useful knowledge, the literature of the day, science, and even politics, she will have the company of young men of like accomplishments. Their talk will not be nonsense or 'small talk,' because she will be able to appreciate and talk sense."

O JERUSALEM.—We have had a long winter here, but not a very severe one, except in some of the higher valleys. But in some parts of the Old World, the Winter has been remarkable for uncommon severity. Says an exchange—

"The extraordinarily severe winter that has afflicted most parts of Southern Europe, and extended even into several countries in Asia, where cold weather is experienced only three or four times in a century, has also visited Jerusalem. Last month the hills around the Holy City were covered with deep snow, to the intense amazement and surprise of the people. The orphan children of the Ecce Homo Asylum, who had never seen such a phenomenon, exclaimed in surprise, 'the mountains have draped themselves in white in honor of our first communion.'"

HORRIBLE DEATH OF A BRIDE.—A New York dispatch, dated April 23, in an Eastern paper, gives the following horrible relation—

"Last night Belle Palmer Wheeler, of East Meadow, Long Island, met with an awful death. She had just been married, and shortly after the conclusion of the marriage ceremony was placed in a light carriage by her husband, who was preparing to follow her, when some person fired off a gun in close proximity to the horse's head as a parting salute to the young couple. The animal took fright, broke from its fastenings and ran down the street. In attempting to round a short curve the carriage was overturned, throwing the young lady to the ground. As she had become entangled in the lines she could not extricate herself, and was dragged over the rough and stony road for half a mile. When her friends reached her they found her head almost