CHARLES W. PENROSE, EDITOR. Wedperday, . . Jon. 4, 1982

## THE "COMMISSI N" AND TERRITORIAL GOV-ERNMENT.

WE direct attention to a letter we Citizen," seking some questions in relation to the constitutional powers of the national government, in reference to the Commission to make laws for Utah Territory, which Congress is now asked to provide. Our correspondent is perfectly

powers of Congress under the Constitution. Each State is some extent independent. Certaln powers were relinquished by them as separate and sovereign commonwealths, and vested in the general government. Those powers are plainly designated in the Constitution, and it is specially provided in that instrument that all other powers except those mentioned therein are reserved to the respective States or to the people. Artiments to the Constitution put this beyond question.

But has Congress any power provided tu section eight of the Constitution that Congress shall have power, "To exercise exclusive. legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of rule embodied in that "palladium particular States and the acceptance of Congress become the seat of the government of the United States, etc." The place thus ceded and accepted is called The District of Columbia, and over that territory Congress has exclusive legislative jurisdiction. This power being specially named and limited, it follows that, constitutionally, Congress has no such

of the United States. . But a system has sprung up that evidently was not contemplated by the framers of the instrument which is the guaranty of popular freedom. Portions of the public do main outside of the boundaries of the saveral States were settled by citizens, and some form of govern ment became necessary for their welfare and the public good. Thereernments were instituted, designed te give those citizens the protection of the national government while in their weakness, and at the same time secure to them some of the forms and liberties of republicaniam.

fying of the articles of Confederation, an Ordinance was passed by Congress for the government of the territory of the United States northwest of the River Ohlo, which was that were parties to the agreement of union. It was very sparsely settled. Congress therefore appointed a Governor, Secretary and three Judges to take charge of its affairs until the population "numbered five

During the period previous to this the Governor and Judges were authorized to "adopt and publish in the district such laws of the original States, civil and criminal, as might be necessary and best suited to the circumstances of the district;" these were to be reported to Congress and to be in force until the population of five thousand was obtained, when a General Assembly was to be sauce for the "Gentiles." Who the power of original legislation and of annulling any or all laws framed by the Governor and Judges.

Connected with this Ordinance, as tory, by which perfect freedom of religious faith and worship, the right of habeas corpus and trial by jury, and other privileges, were se-oured to the people, and also the or. ganization of not less than three nor more than five States out of the Territory, to be admitted into the Union on the same footing as the original States when either of the former should have a population of sixty thousand free inhabitants, and void; lacking his august signature sooner if consistent with the general confederation. The only conc to such admission besides population being, that the constitution and government of the new States should be republican and in conformity to the principles conncisted in

States was bound by Section four of suppose, by reasonable people. But Article four to "guarantee to every howling anti "Mormonism" is not, State in the Union a republican and never has been reasonable. It form of government." But a terriis not republican, it is not human. torial system has been establish- It is born of bigotry and nursed by ed, which, modeled after the passion, and is hungry for devesta-plan of the Ordinance referred to, is tion and destruction. We do not plan of the Ordinance referred to, is in many respects anti-republican. The appointment by the general government of the Governor, Secretary, Judges, Attorney, Marshal, etc., without any consultation of the wishes of the people, also the debarring of the citizens in Territories from the right to vote for President and Vice-President of the would be more heatile to democratic United States, and from the right republicanism than anything imto a vote in Congress by a Represenposed upon the colonies by the destative or Delegate, is all subversive of the fundamental principle of our republican system, which decises that governments "derive their just

The question is, whence is this arbitrary authority derived? Seeing that the Government obtains its powers from the Constitution by which it is regulated and limited. where are the "chapter and verse" for this jurisdiction? We must state candidly that we do not knew of any. But those who claim to do so cite a clause of Section three, of Article four, of the Constitution, which reads as follows:

o dismo of, and make all needful non

apply to organized comminities | certific Can Congress "dispose" of the people in the Territories? Are they the "property" of the 'Jovernment? May they be reckened as chattles? Is not slavery abolished throughout the Union? The whole arbitrary system is founded on a plain distortion of the text of the section, as it right in relation to the limited is a palpable violation of the sacred principles on which this government is founded. But it has been adopted and has passed into a recognized principle of our national system, with which, however, it is in

violent discord. The plan now proposed for the government of Utah, which is embodied in the bill fathered by Mr. Willets, of Michigan-who, by the way, being not personally gifted with the powers of legislative pa ternity, has fathered several Ill-beadventurers—is a further stride away from republican institutions a still greater trampling upon popu "exclusive legislation?" Yes. It is lar rights, and a more glaring defiance of the doctrines laid down inthe Declaration of Independence. There is no "chapter," there is no "verse" for it in the Constitution. It is sub versive of every thought and every liberty." There is no palliation of excuse for such an absurdity and in famy in a free republic, except that which has been manufactured by a few Utah political gamesters, who are playing for a place in the Com-

mission, or position growing out of it. Think of it! Seven or nine persons, appointed by the Government, to make laws for a hundred and fifty thousand people, in opposition to rightful power over any other part their voice and vote! This by national power pledged to secure a republican form of government throughout the Union!

The only "precedent" quoted for this-there is nothing to justify i in the Constitution—is the method adopted before the Constitution was ordained, in the northwestern terriamination that the whole spirit and letter of that Ordinance providing tory, are opposed to the scheme now desired by the clique that want to grasp Utah and its finances. Read it and see. Compare the conditions of the two localities and communities—as different as a wilderness from son, within four miles of Ameri Previous to the adoption of the compact made with the inhabitants at ream in the hills. The Nelsons of certain recognized general rights, claim, for the purpose of robbery, and the privileges of statehood, contingent only on a population of which Utah has nearly three times as many as were required for one State. Remember that Utah has a Legislative sassembly which holds chartered powers and vested rights under the Organic Act. And then think of a republican Congress breaking up a system of government which has been in thensand free, male inhabitants of active existence for more than thirty one years, to give the whole Territory and its people to a seven

or nine handed Commission! How would our "Gentile" friends who have large property here like the change? How many of the respeciable and mind-your-own-business non-"Mormons" of Utah want auch an anomalons and dangerous exercise of power over their affairs? What 's rauce for the "Mormons" in this matter, will be just as sour sauce for the "Gentiles." Who would want to invest means in a case will start to except the leaders. Territory placed under the sovereign control of seven or nine govern ment officials? The carpet-bag rule of the South would be high-toned part of it, was a compact between democracy compared with such a the original States and the Terri-

Is there not supervision enough now over the Territory of Utah. without utterly departing from the vital principles of our political system? One man appointed by the President and Senate of the United States, usually a parfect stranger to us and our wants, can veto all the Acts of the Legislature elected by they are null. Congress has-or exercises both negative and post tive supreme power over us. That body can either annul our laws or make others for our government, without any voice or vote of ours. Judges and court officers of government appointment When the Constitution was adopt-execute such laws. What more can ed, two months later, the United be wanted? Nothing, we should

powers from the consent of the gov- BY TELEGRAPH

otisms of monarchial Europe. Let

AMERICAN. GATEST DESPATCHES.

rules and regulations respecting the territory, or other properly belonging to the United States; and nothing in this Constitution shall be so construed as to prejude any claims of the United States, or of any particular State."

Campbell nor Crnnon is entitled to a seat on the prima facie case, because; first, Cannon has no certificate at all, and second, because Campbell's certificate is evasive, not that such is not to be the case. Congressman Burroughs, of Michi gan, will make a speech, in which stitution on which to base the claim asserting that he received the greatfor exclusive and supreme control, est number of votes, but that he being ter position to know than myself legislative and otherwise, over the a citizen had the most votes, inti-Territories. The most ordinary reader will perceive that this clause relates to land; that it is a question of property, not of persons. And the most learned and crudite will fail to make the words of the para-cleed judicial authority which he cised judicial authority which he graph, grammatically or logically, has no power to do and that the null and void and the case should go to the committee. In a speed Burroughs will take strong ground against polygamy, and says that he opposes the seating of Campbell simply for judicial reasons, and that it has no bearing upon legislation on the question of the monstrous practices of the Mormons. Inciientally he will urge the most stringent action upon this subject. The contest promises to be a very

Arrival of the Acathetic Poet. A chilled crowd of aesthetic human beings beat their hands and stamped their feet, on the dock this morning, while waiting for the Arizona, on which was their anostle Oscar Wilde. The big ship stuck test on a bank of mud 200 feet from the dock. The tugs pushed and pulled, the Arizona's engines worked vigorously, but the mud was vic-tor for a time; while the fight ta-tween the steam and mud was in progress, the shivering mas round after round of applause in towering form on the Arizona's deck. It was that of a man, youth-ful in appearance. He stands six feet four luches, has a smooth face and long flowing locks, an overcoat of bottle green cloth, fur lined and fur collars, sealskin cap and yellow

kid gloves, made the man more con-spicuous. It was Oscar Wfid, the poet and journalist. "I am here to greet, lecture and see the country," he said with a hearty laugh. Will I stay long?— ers have given me such glowing eriptions of the country I am in also I will see what there in your great metropolis and the far west has attractions, unless it is misrepresented, that I must witness, and I am anxious to see something of Mexico."

Lighting a fresh cigarette, Mr. Wilde continued: "Already I have experienced something of American courtesy. I was 26 lest October. shall remain long enough to see what there is worth seeing in

A Bleedy and Lawless Affray. Sr. Louis, 4 .- The southern sec tion of Montgomery County is mostly a wild and hilly country, and ordained, in the northwestern terri-ritory. And it will be found on exone of the King boys was wounded and another started across the dark mortem was held by Squire Muckt and young Nelson was justified. The dead body of King was borne to a cabin of the Kings at South Ameticus on the next day for burial. This cabin is occupied by old man King, two of the boys' wives and their mother, Mrs. Austin. About 8'clock that night, while Abby was in the village for a coffin for his dead brother, a band of citizens bent on destruction, rode up to the cabin destruction, rode up to the cabin and made an assault. Old Mrs. King and Mrs. Austin ran out, when Mrs. King was wounded and Mrs. Austin shot dead. Another

posse will start to arrest the leaders of the mob and enforce order.

On New Year's Day in the vi-cinity of Louisians, Mo., John Mor-gan Shaw, one of Bill Anderson's guerillas, was shot and killed by his brother, Morgan Shaw. The mur-der arose from a family feud about the division of the father's property. In May, 1880, John Morgan Shaw, shot and killed his brother, Perrin Shaw, and this second tragedy is the result of the first.

Louisville, 4.—The Holbrook bacco works were partially burn-

RICHMOND, Ky, 4.—James Isom died in this county last Sunday after having attained the age of 102 years. His life was eventful. During the war of 1812 he passed his time in a cave in the mountains on sking selfrotes for the making saltpeter for the manufac-ture of gunpowder for the American

Busineron, 4.—An anti-proni-bition club, with large membership, has organised here. The liquor question promises to the an impor-tant factor in State politics during Perished in the Fine

BARRINGTON, Ill., 4.—The house of a Polish family named Diminoski was destroyed by fire yesterday. A lad 13 years old perished in the

CINCINNATI, 4.—The Vine Street Opera House, a variety theatre, was wirtly burned this morning.

Massacred by Indiana. DALLAS, Texas, 4.—Passengers on the through train from San Francis-Eagle Springs, east of El Paso, il additional information about his track of the Southern Pacific Rallway, were massacred by Apache Indians. The deed was not discovered until Monday morning, after the through trains were started east.

WHERE DERIVED !

ditor Deseret News: Having learned through tele-graphic reports published by the press, that various plans are on foot at the National Capital, looking to and B

sion in the Constitution or the en ring on that part of our government the right or the power to enact local laws for any of the citizens in any and have not received an answer.

the Union, to make local laws for Congress of the United States, re-presenting, in the House and Sen-ate, all the States of the Union, do can they pass a law affixing the penalty on conviction for the crime of murder in the State of Michigan, or another regulating divorce in Indiana, or to prescribe the rate of in-terest in the State of California; nor is it their right to pass a law for raising revenue and appropriating the same in Pennsylvania, or ex-emption laws and statutes of limita-tion for the State of Ohio; or yet to regulate and control the commo ole of the staid old comm

wealth of Massachusetts. wealth of Massachusetts.
Should an attempt be made by the representatives of the people to arrogate to themselves such power, now mighty would be the uprising. And it would not require a prophet to foretell their doom. Historians would write them down as flends in mean and contemptible. Generations yet to come would execrate their memory.

Now, sir, what puzzles me is this; what they are not empowered to do, cannot do, aye, and dare not do for their own constituents. How can they, how dare they do it for those who are not their constituents, and never cast a vote for them? Sir; as the carrying out of some of the pro-posed measures which have been, and will be brought before Congress for their consideration, looking to the regulation of domestic affairs in Utah, will involve every principle of local government, and if we are to have laws enacted by which we are \$500 will be paid for case they will Utah, will involve every principle of to be governed by strangers, and not cure or help, or for anything imour voice is not to be heard in our local government, that we cannot select the law-maker or executor, and as Congress can only exercise such powers as are specially delegat-ed to it by the Constitution, is it not necessary that the specific clause of the Constitution, section and para-graph of the enactment conferring that power on them should be

That while we bow the neck to receive the servile yoke, we may know that our forefathers and ye statesmen of the "olden tine," whose memory is so dear to us, whose valor we have so often praised, whose patriotism has endeared them to us, whose virtues we fain would emulate, and whose watchthe King boys, and others, who all, without regard as to who has been word was, "Give me liberty or give the word was," The word was, "Give me liberty or give the lib word was, "Give me liberty or give me death," in their wisdom saw the necessity of abridging the rights and of SARATOGA! CALIFORNIA WINES been provided for, somewhat soften our expressions, make us more hum-ble, and, perhaps in time might cause us to cease our grumbling at-

or of practice so long in vogue that custom has made it law, but please give me "chapter and verse," I read somewhere, "That all just powers of government are derived from the

consent of the governed."

Believing that your paper is the proper vehicle through which to acquaint the mass of the people in the Territory with the true status of their rights, and the duties they owe the general government under the Your reply will be thankfully re

A NATIVE BORN CITIZEN. Morgan, January 2nd, 1882.

Mortnary Report.-Following is

the City Sexton's report for December, 1881:

IUmh, II: Other parts of the United States, ; England, 6; Scandanavia, 6; Wales, 3; Swit-orisnd, 1; Canada, 1.

Principal Causes.

Captain Henry Weeks, Brooklyn N. Y., the well-known boat builde and sailing master, has used St. Jacobs Oil for sprains with marval-ous effect. It also cured his wife of rheumatism at once.

nces that after Stock Taking he will organize a Grand Clearing which due notice will be given in the columns of the News.

To take a walk through the large FURNITURE ROOMS OF H DINWOODEY and see the substantial holiday presents consisting of Fancy Upholstered Chairs, Desks, Brackets Toy Sleighs, wagons, car-riages and Rocking Horses.

BEAUTIFIL Tidies, Lovely Fischues, Elegant Berlin Embroideries, Finest Ready Made Slippers for Gents', Silk Handkerchiefs and Mufflers, all Choice and Chesp, at F. AUERBACH & BRO.

For Ladies', Misses' and Children's Fine Shoes, go to DUNFORD'S.

Special Sale of 400 pairs Cassimere Pants, To-merrow, at GOLDBERG'S. SPECIAL NALES.

Made to reduce the large stock of winter goods on hand, and to renovate the store preparatory to receiv-ing spring goods, I will offer, at wholesale and retail, a full line of Overcoats, Business and Dress Suits, Hats and general line of Gants, Hats and general line of Gants of the market from time to time, and will positively be sold out regardless of cost. The sale commences on a of cost. The sale commences of full assortment of Men's Boy's Children's Hats at prices which astonish the natives. First purch tion from the largest stock. L. GOLDBERG, No. 165 and 167 Main street,

Wasatch Building.

pure or injurious found in them-Hop Bitters. Test it. See "Truths or "Proverbs" in another column.

Special Sale of HATS Goldberg's, Wasatch Build-

THEATRE

The Latest and Greatest Success of the

REPETITION OF

a consequence of the many who were un able to gain admission to the Theatre on New Year's Night, and in view of the Club announces a repetition of "SARATOGA" for

FRIDAY EVENING, JAN. 6. When the Great Comedy will be repeated with

Precisely the same Caut, Beautiful Seenery by Lambourne THE CARELESS ORCHESTRA

Will render a programme of their Choicest Selections. Box Office open Thursday morning. H. G. WHITNEY, Manager.

ESTRAY NOTICE HAVE IN MY POSSESSION:

A dark red HEIFER, about two years old, bush of tail white, crumpled horns, no marks or brends visible.

Which if not claimed within 10 days will be old at public auction on Wednesday, January 11, 1882, at 10 o'clock a.m., at the district Estray Pound in this city.

JOSEPH HORNE,

District Poundkeeper
Salt Lake City, Jan. 2, 1832.

NOTICE.

THE ANNUAL MEETING OF THE ring Company, will be held in the Ninetee

MORDAY EVENING, JANUARY STB. 1882. at Seven c'elock, when Officers will be elect d for the ensuing year. A. W. CARLSON.

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A limited number of Tickets will be sold at
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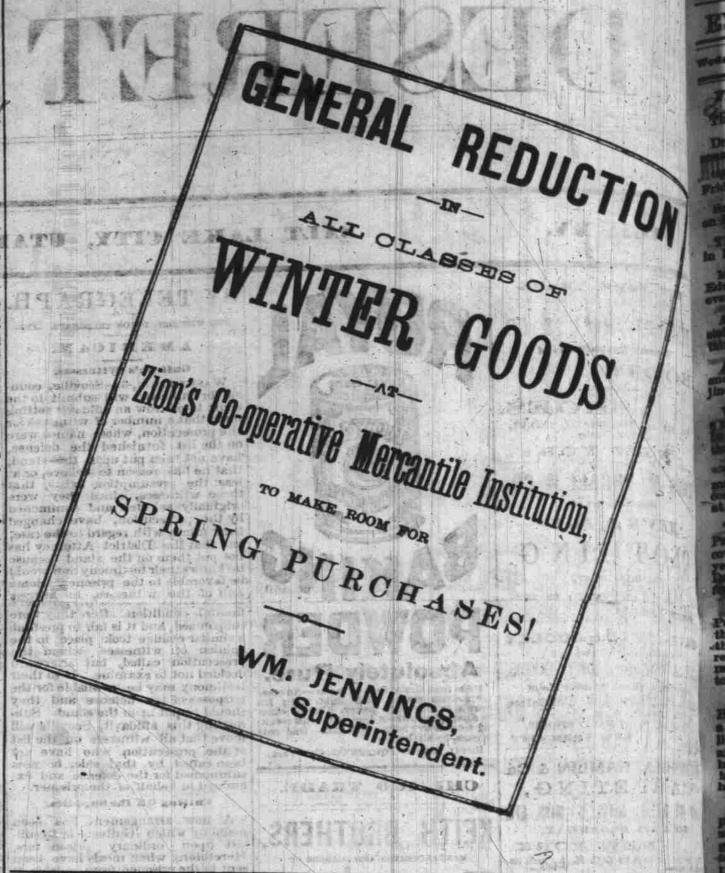
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