DESERET EVENING NEWS.

PUBLISHED DAILY, SUNDAYS EXCEPTED, AT SALT LAKE CITY.

PRINTED AND PUBLISHED BY

THE DESERET NEWS CO.

CHARLES W. PENROSE, EDITOR.

Friday, - - March 20, 1891.

NOTICE

The Sixty-first Annual Conference of the Church of Jesus Christ of Latter-day Saints, will commence at 10 o'clock, on Saturday morning, April 4th, 1891, in the Tabernacle, Salt Lake City.

All Officers and Members of the Church are cordially invited to be present at the meetings.

WILFORD WOODRUFF,
GEORGE Q. CANNON,
JOSEPH F. SMITH,
First Presidency.

ENJOINING THE UTAH COMMISSION.

THE Board of Education have, to our opinion, taken the wisest course to test the question of their right in regard to the bonds election to take place on the 30th inst. Reference to the report of their meeting last night will show that they are in earnest in this important matter. They resolved to make an appeal to the courts to decide whether they or the Utah Commission shall constitute the election, or meeting, under the laws, to determine whether bonds shall be issued to raise money for the building of school houses in this city.

The difficulties in the way were clearly shown up by Mr. Pike, who said, "There are three questions involved in this matter. First, the legality of the bonds; second, the right of the taxpayers who are not registered voters to vote at this election; third, the authority of the Utah Commission to assume control of the election."

These are all of great importance. There is a conflict as to the conduct of the election, or meeting provided for in the Territorial statute. This, if left undetermined, is likely to subvert the object of the election. If the Utah Commission conduct the election, there will be a doubt as to its legality because the statute places it under the Board of Education. If that body conduct it, there will also be a doubt as to its legality because it is claimed that acts of Congress give the Utah Commission the right to appoint officers to conduct elections in this Territory. In either case the bonds will likely be unsalable, for no one will want to purchase them when there is a doubt as to their legality. A court must pass upon this or the bonds will be a failure.

So in reference to the persons who are to vote on the issuance of the bonds. The Utah statute that provides for them, rightly gives the power to decide whether they shall be issued or not to the resident taxpayers. But the acts of Congress in relation to elections in Utah provide that only registered voters shall cast their ballots. If these laws apply to the election, or meeting, for the issuing of bonds, then every person who has had his name placed on the registry list, whether he pays taxes or not, can vote away the property of taxpayers who may not be registered and who cannot vote in regard to their own property rights. This is manifestly unjust. But the question is, what is the law? That also can only be determined satisfactorily by a competent court.

Unfortunately there seems to be a discrepancy in the Utah statute relating to this matter. Sections 102 and 103 provide that for the levying of taxes and the issuance of bonds, as well as the election of trustees, the City Council shall appoint three judges of election in each municipal ward and that the election shall be held in each ward. Sections 122 to 124 provide that that for the issuing of bonds the Board of Education shall call a meeting and appoint three judges to conduct the election thereat. This is a defect in the law that complicates the matter.

But these facts remain: The levying of taxes and the issuing of bonds are not in the same nature as an election of trustees. The acts of Congress clearly contemplate by the term "elections" the choosing of men for office, and it is such elections only that come under the control of the Utah Commission. Also that the law which makes the issuing of bonds for school purposes possible, provides that the determining of the question shall be left to the taxpayers, who are presumably interested in it. And by whomsoever the meeting, or election, for its determination shall be conducted, the taxpayers shall vote upon it, while an election for trustees shall be determined by the registered voters.

The quickest and best way out of the difficulty is to carry it to the courts, and a suit to enjoin the Utah Commission will bring up these questions on their merits, and, we hope, solve them, so as to make the election valid and the bonds sound and solid. Salt Lake wants more school houses, and the issuing of bonds is the easiest way to raise the funds necessary for the purpose. We believe the Board has taken the right step to accomplish the end in view.

ENCROACHMENTS UPON POPULAR RIGHTS.

WE give space to-day in an interesting letter from some young men who have started the practicle of law in Logan, and who appear very anxious to have terms of court of the Fourth Judicial District, newly erected, held in the beautiful capital of Cache County. We have suppressed a few vulgar expressions in the letter, but have made no change or omission in their argument.

Careful reading of the letter and of the article which they appear to think gave occasion for it, and which we now reproduce, will show that they have been too ready to take offense, that they have magnified the brief features of this paper to their profit—the only remark of the kind being, "these young men"—and that they have not met the objections offered by the News to their endeavor, through the bitterest and most persistent enemy Utah has in Congress, to endow the Governor of this Territory with extra powers.

The fact that these powers were only outlined for an "temporary," does not alter the question involved. The Governor has been trying with all his might and cunning, to obtain autocratic authority, to curtail the powers of the Legislature and to enlarge his own prerogatives at the expense of popular rights and the sacrifice of republican principles. The petition sent to Senator Edmunds by "these young men"—there is nothing in that phrase that should excite the ire of any wise person—was in favor of a step in the same direction.

It also assumed, with judicial diction and manner, to decide a question as to the constitutional powers of the Legislative Assembly of Utah. It reflected upon the course of that body. It assumed to speak for the people of Cache, among whom, we venture to say, there are not more than one in a hundred who want courts to sit and draw the kind of people they attract in the favored and peaceful city of Logan. And further, in addressing this petition for something that an immense majority of the people do not want, to the man of all Congressmen who is most inimical to Utah's citizens, "these young men" passed by the Delegate from Utah, who is ever ready to advance anything that is for the true interest of the Territory, and thus exposed themselves to the just criticism of the friends of the people.

But there was no "alone" of any person "found in the company" of Mr. Edmunds and his attack upon them, as can be seen by reading the article. As to the true "inwardness" of the matter, is it not in the over anxiety of these young lawyers to have the District Court sit in Logan and thus increase the prospects for legal business? And is it not a fact that they did not seek the aid of Utah's Delegate, a friend to the people, but invoked the help of the people's enemy, because they knew that the powers they wished to be conferred upon the Governor were in hostility to the work done by Utah's friend, and in the line of the assaults made by Utah's foe?

We call attention to those sentences in their communication to Mr. Edmunds which we have italicized, and we think, without any further comment, they will of themselves prove that our remarks were strictly just. And we think that examination of the whole matter will show that instead of "abusing" those young men we treated their action with great forbearance. The only "vituperation" that appears in the controversy is contained in the letter over their signatures, which we print today, and in the vile expressions we have omitted.

As to the duty of editors in watching to the "minutest details" the rights of the people, defending them and resisting all encroachments upon them, we think the public will agree with us that it is better to err, if at all, on the side of vigilance than by way of apathy and sloth. Herbert Spencer says: "A painful love liberty as a miser loves gold—for its own sake and at once represents the smallest invasion of the people's rights."

If they who stand up for popular rights against autocratic power are "grumblers," then such men as Jefferson, Madison, Mill, and Spencer whom we have quoted, are among the "grumblers," and we are in excellent company. Utah has been encroached upon continually, and it has become necessary to protest repeatedly against attempted invasions of her liberties. Posterity will recognize the gallant fight that has been made here for fundamental republican principles, and will honor the "grumblers" who have resisted wrong and contended for the right.

It will not redound to the credit of any of Utah's sons, be they political or national, that they have joined in any degree or for any motive with those who sought to curtail the rights of the people and enlarge the powers of an unctious Federal appointee. Nor will it bring them either honor or profit to fly into lurlyh paulance at fair criticism of their misconduct, and claim to be "abused" when they are only mildly corrected. To those of our readers who are sufficiently interested in this matter to read the whole controversy, we cheerfully leave its determination, and have no fears of the result.

The Rev. Louis W. Woodruff of St. Luke's Church, Cahoes, N. Y., was arrested in New York City on the 14th inst. charged with obtaining about $500 on false pretences.

NAVAL POWER OF THE UNITED STATES.

IS THE Government of the United States a first-class naval power? This is at the present time an appropriate question to ask. In honest truth it must be admitted that it is not. However, it is but fair to say, that it is fast growing into a naval power of importance. Of this fact the *Navy Register* for 1891, furnishes abundant proof. We are, at least, in a position to say that our interests are not entirely defenceless.

There are four new vessels added to the navy which do not appear in last year's *Register*. They are the *Philadelphia*, *San Francisco*, *Newark* and *Concord*. In process of construction are a number of other vessels, including the five armored ships, which are named the *Indiana*, the *Massachusetts*, the *Oregon*, the *New York* and the *Monterey*. The first three of these are belted cruisers of 10,288 tons each, displacement. The *New York* will be an armed cruiser of 8150 tons, and the *Monterey* a low-freeboard, turrets-turret, coast defense vessel of 4084 tons.

There is also a harbor defence ram of 2600 tons now building at Bath. There is a fast triple-screw protected cruiser of 7400 tons in process of construction. A duplicate of the latter has been authorized by Congress to be built. In San Francisco there is a 5500 ton vessel being built. The Cincinnati and Raleigh, two 3183-ton cruisers, three 2000 ton vessels, and two 1055 ton gunboats are also in process of building.

Three new tugs and a practice cruiser are also being set up at Elizabethport. In addition to all these, bids have been asked for a new vessel capable of making 27 knots an hour in the open sea. This shows that the United States are fast becoming a naval power, and if Italy only waits one year longer, she will meet with a warm greeting on this side the sea if she sends a "brush" with America.

THE RESOURCES OF ALASKA.

Most people regard Alaska as a dreary, fur-away province, entirely destitute of ordinary resources. The census bulletin on that Territory affords a different view. The sources of wealth there, are furs, fish, minerals and timber. Since Alaska became a Territory of the United States the value of fur seal skins exported to London has reached $25,000,000, and for other kinds of fur $10,000,000.

It is thought that the extermination of the seal would be a positive benefit, notwithstanding the amount of money the fur realizes. This animal preys on the fish to such an extent that it almost renders the fisheries of Alaska unprofitable. Were it not for this the takes of herring, cod and salmon would supply the whole country. Red and King salmon have been caught in Alaskan waters weighing 120 pounds each and measuring six feet. The waters of the great Yukon river for 1500 miles abound with this kind of salmon. The seal lives on the young of this fish, so that the extermination of the animal would be a boon.

The whale fisheries for 1890 yielded 225,402 pounds of whalebone, 2900 pounds of ivory and 14,053 barrels of oil.

The annual production of gold dust and bullion averages about $200,000. Copper abounds in the Territory, but the difficulties of transportation are such that at present it is not worth working. Lignite coal is found in several districts, but there is only one coal mine in operation. The quantity of merchantable timber is overestimated, according to the census bureau, especially so of that valuable timber the yellow cedar, which is found only in isolated groves.

People who are conversant with the situation in Alaska, favor the opening up of the country to bona fide settlers. At present it is the prey of adventurers who denude it of its resources, and who have only a passing interest in its affairs. By colonizing it with industrious, hardy families, it will have a far different showing at the next census.

SINGULAR CORRESPONDENCE.

Young Logan Lawyers Firing Pop-guns at the "Deseret News."

THEIR LETTER AND THE ARTICLE WHICH LED TO IT.

The annexed communication was received several days ago but more important matter has crowded it out of our columns until today. We print the entire letter with the exception of some low and spiteful expressions, unsuited to our pages and giving evidence that the writers were too hot and excited at the expose of their attempt at influencing congressional legislation for Utah, to maintain the courtesy characteristic of gentlemen. In cooler moments they will doubtless be glad that we suppressed their vulgarity.

Editor Deseret News:

Your recent editorial under the alias of "Utah" entitled "A Plea for Popular Sovereignty," is a bitter, a cruel, a cowardly, a vicious, a fourth judicial district for Utah so we's empower the Governor to temporarily fill the places of sitting judges for the usual period, only in the second part of the Territory. The petition did not request the judge to take any liberty away from Utah's Legislature but contemplated a temporary right in the Governor to be exercised only until our lawmaking body should convene. It most humanized patriotically that this temporary right in the Governor was to be confined to a choice of place of holding court in the districts and not to change the districts.

The names and signers of the petition, then, can hardly be held responsible for the amendment of the bill contrary to their request.

That portion of our letter which found fault with the right to fix the time and place of holding court seems at first sight unfounded but, and given you, permission to your readers of immediately, but with some consideration, its injustice will be seen. The Utah Legislature has already said that all causes of action arising in certain counties should be tried in certain counties. If this be law, our petition asking that the Governor have the temporary right to change the places of holding court would be futile. It would be necessary to consider whether we were asking Congress to delegate the legislative power to our governor. As to whether our conclusion that the Utah law on the subject is invalid, lawyers are not agreed, and we are not sure. We are willing to let the judge decide in the future whether we are right or not. We only say, in answer to your statement that we "appear to have forgotten that Congress empowered the Legislative Assembly to enact laws on all rightful subjects of legislation," that you omitted to add, "not inconsistent with the Constitution and laws of the United States,"—the point upon which the question hinges.

We are overlooking "the necessity for the preservation of the sovereignty of one part of their peoples" inconsistent with the rest of the "rightful subjects of legislation" in giving any personal punishment that the Governor already had the power in question, and at the same time we say that it is doubtful whether he possesses the power—not domicile in our minds but in the minds of others, among whom seems to be the News.

The true importance of your insulting and abusive attack seems to be that our letter was addressed to Mr. Edmunds and because you have so great respect for him, all found in his company are to be objects of your spleen. We do not deem it necessary to explain why he was addressed, further than to say that it was by one intimated the bill into the senate.

Want of age seems to be another of our conspicuous faults. As Mr. Pike reply to Walpole on a similar point, "as we will kindly, we refrain from expressing thoughts naturally suggested."

As to this bill as amended being "the reduction of home rule in Utah," we shall say little. Were we responsible for the amendment, its probable consequences might be have considered. We have the News and Home to say to us what it is desirable for our politics to adopt the rights of people through this change. They can also tell us if the gentlemen who abolishes juries in so and who then have in a manner are very interested property in their hands, will accept this insignificant and additional authority to the detriment of any portion of the people. Another question for us to whether it will be possible for what a more inconvenient system than the present—court held in a few of the populous cities only and the people thus compelled to travel great distances, at expense to present their rights. We shall not take a pessimistic view of the case until some reasonable grounds for so doing can be given.

The editorial in question contains some good doctrine, the necessity for watchfulness for the rights of the sovereign people, opposing every encroachment on their prerogatives, etc., but, all of this every good thinker (when rightly used) has been taught, and in this case, it is all very well for editors and others to be watchful of the people's rights, but when the "resolution is carried to the minutest details," it is easy to overstep the bounds of prudence, and the would-be promoter becomes a chronic grumbler, injuring the cause he would advance. Of late, too, quixotic attacks of imaginary foes, Protectors may thus be forged unawares by the unsuspicious and unwary.

We regret that you have utilized us and thus brought us before the public.

Respectfully,
CHAS. H. HARE,
HIRM ANDERSON.

LOGAN, Utah, March 11th, 1891.

So much for the letter. How much cause there was for this stultition and how closely the writers have met the objectionable feed in their effort to condemn the Utah Legislature and gain temporary powers for the Governor which he ought not to exercise, will best be seen by reproducing the article to which they essay to reply. It was as follows:

A PLEA FOR POPULAR SOVEREIGNTY.

There is a feature associated with the bill creating a fourth judicial district for Utah that seems to demand special notice. In the original draft the authority to establish the new district was vested in "the Governor and Legislative Assembly." It was subsequently amended by striking out "Legislative Assembly" and substituting therefor "supreme court."

The House committee incorporated in its report recommending the passage of the bill a correspondence which, on account of its quality as the statements it embodies, is somewhat interesting, and it is consequently here inserted:

"LOGAN CITY, February 7, 1891.

"Dear sir—In the absence of Mr. Lessig, she in response to your letter to him of 20th ultimo, we send you the inclosed petition, which we have assisted Mr. Lessig in circulating.

"It might have been as well to have noted in this petition the fact that citizens of Northern Utah have to travel from 70 to 100 miles to attend court, and that this great inconvenience will continue to be so, unless your bill is so amended as to give the Governor the power to say that a term of court shall be held at Logan in the meantime, to transact a portion of the business that is now transacted in Ogden. In order that you may fully understand the situation, we mention the above facts in this connection.

"It may not be out of place to call your attention to the fact that the rights given to the Governor of this Territory to "appoint the time and place of holding court in each of the districts of the Territory by section 1906, Revised Statutes, United States, and R. stight be further amended by section 5 of the act of Congress of June 23, 1874, entitled, "An act in relation to county and judicial offices in the Territory of Utah," to be found on page 107 of supplement to Revised Statutes of the United States, Vol. 1, does not interfere with the right already given our Governor. I shall also be noted that the Utah legislature has passed enactments fixing the place and holding terms of court, but as this was a partisan act of the Governor, and never given to the Legislature of Utah, to and legislation so be called by the Legislature of Utah was vetoed and contrary to authority and consequently void. Compiled Laws of Utah, Vol. II, p. 56. Section 1906, Revised Statutes, United States, has a bearing upon this question also.

"We do not think it necessary to get more subscribers for the petitioners' paper, so not only at the meeting when.

"Hoping that you will make the amendment asked, and confer upon the Governor a power that is consistent with powers rightfully conferred on the subject by Congress and Legislature, and not a power which is doubtful whether he now possesses, and thus confer upon the people of Northern Utah a right long needed."

Such a statement as that after having previously asserted that Congress had already given such power to the Governor, and that to exercise it by the Legislative Assembly was improperly without authority and void, is, to say the least, a trifle absurd. If the estate Senator from Vermont critically examined the document it would be interesting to know what he thought of the legal conclusion. He could hardly have been infatuated with its logic, although he has given ample evidence that he is in due with its sentiment—the reduction of home rule in Utah and its concentration in a few officials in whose selection and appointment the people have no choice.

The correspondents of Senator Edmunds appear to have forgotten that Congress empowered the Legislative Assembly to enact laws "on all rightful subjects of legislation." This certainly indicates that it is to decide the places of holding terms of court. Surely the representatives of the people ought not to be charged with usurpation for performing a duty so simple and so plainly within their right as that.

It is the duty of every patriotic citizen to contend for the rights of the sovereign people, opposing every encroachment upon their prerogatives under a republican form of government. This contention should enter into the minutest details, and it is regretful that men can be found in the community who, on account of creating local professional business, will urge a reduction of popular rights and their bestowal upon an official who has exercised all the energy and cunning of which he is possessed in obtaining kingly power over Utah. He has also sought, by all his resources of device, to pounce the disfranchisement of a majority of the people. In binding, we presume, the correspondents with Mr. Edmunds. No man would perform any act or utter a word that would, in the smallest degree, tend to the production of fetters which would shackle himself.

We will here introduce, as a fitting conclusion, a striking paragraph clipped from the *Louisville Courier*:

"If the citizens do not guard their liberties with a jealous care, if they do not vigorously oppose the first indication of despotism, if they do not resist the first steps to unjust taxation, if they do not antagonize the minor violations of the principle of religious equality, the time will come, and it may not be very far distant, when the rights of the people will be trampled in the dust. This is a danger that has been so emphasized by the greatest of our American statesmen, it is a fact of human nature too manifest to escape the observing mind, some of the most important of the writings of our early statesmen utter this warning to the American people, and the track of their words is so evident to the lover of our free institutions that we cannot disregard them with impunity."

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THERE WILL BE A MEETING OF THE stockholders of the Utah Stove and Hardware Company, on the office, No. 14 east 1st South Street, Salt Lake City, Utah, Thursday, the 19th day of March, A. D. 1891, at 7 p. m., for the purpose of electing directors for the ensuing year, and transacting any other business that may properly come before the meeting.
JOHN R. WINDER, Jr.,
Secretary.

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