

# **EVENING NEWS.** Published Daily, Sunday Excepted, AT FOUR O'CLOCK. **DESERET NEWS COMPANY.** CHARLES W. PENROSE, EDITOR. Saturday, Feb. 27, 1883.

## **THE SLAVISH TERRITORIAL SYSTEM.**

The masterly argument of Judge Black, which we published in full last evening, goes right to the root of the territorial question. It makes plain to the ordinary mind, as well as to the legal or literary intellect, that the extraordinary and autocratic powers exercised by the general Government over the Territories are assumed and unlawful, because entirely unauthorized by the instrument from which the Government in all its departments derives its authority. Outside of the Constitution, neither Congress, the national Executive, or the supreme Judiciary have any powers whatever. And the extreme jurisdiction claimed over those political organizations entitled Territories, cannot be found in that document, either in direct language or by fair implication. Indeed the practice, which has grown out of unwarranted assumption is in direct violation of the Constitution, and a direct violation of principles enunciated therein.

In studying the course which has been taken with Utah, one would be led to think that the object of the national Government was to restrict liberty and prevent the free exercise of those inalienable rights enumerated in the Declaration of Independence, while the true end of the Federal organization was to secure and perpetuate them.

We are pleased to see that the eminent jurist, in his plea for the liberties of the people dwelling on the public domain outside of the boundaries of sovereign States, advocates the very principles in relation to their political rights for which we have contended for years. His support is good evidence that our views on these points are accurate. And he presents them in such a manner as to demonstrate their truth and leave no room for doubt as to their correctness.

Those who do not like the conclusions so logically wrought out by the able lawyer, may abuse him but they cannot refute his reasoning. The question is not what ought to be, but what is. Anti-Mormonism and anti-polygamy fanatics may claim that the Government ought to have power to suppress the religious or social system prevailing in this Territory, but that is not the point. Such power does not exist within the limits of the Constitution, and no matter what may be considered expedient under the circumstances, it is evident that its exercise is unlawful and therefore improper.

No one who understands the genius of the system of government in this country will dispute the proposition, that any State of the Union could under the Constitution, institute plural marriage as a lawful domestic relation, no matter what the General Government might think or say about it. If the majority of the people of a State chose to have it so, neither Congress nor any other branch of the national Government could interfere. For what reason? Because no power is given for any such purpose in the Constitution, and that which is not given therein is reserved. To whom? Why to the respective States or to the people. If the people are organized into a State government the powers of local regulation belong to the State; if they are not so organized those powers belong to the people as inherent rights, and Congress can rightfully exercise over them no authority except that which is specified in the instrument from which alone that body derives all its prerogatives.

The "territory" at all property of the Government is under the control of Congress. But even the territory or land on which the people of Utah live is not now the property of the United States. They have bought and paid for it. It is their own. They are of right free people dwelling on free soil. Under the Declaration of Independence and the national Constitution they have the right of local self-government, the right to regulate their own domestic affairs, so long as they do not infringe upon the rights of others, so as to violate that sacred instrument which was designed to protect the people, and secure them in their rights and privileges as citizens from the exercise of arbitrary power and the encroachments of Federal rule.

Congress may prescribe such rules and regulations as may be needed to dispose of that part of the public domain still vested in the United States, but its claim of power to govern the people, either on land purchased of it or soil still within its possession without their consent, to impose officials upon them whom they have not elected, to make local laws to restrict them in the exercise of their natural rights or political privileges, is unwarranted by the supreme law of the land and as clearly shown by Judge Black, is nothing but usurpation. Congress may admit new States into the Union, so says the Constitution. But those States must be organized before they can be admitted. This presupposes the right of the people not under State governments to organize themselves into commonwealths, and that by mutual agreement, that is by a compact with the Federal Government, in which each State is a party as well as that Government, that may be admitted into the Union on an equal footing with the rest of the States.

The view entertained as to the absolute privacy of Congress over the Territories, pre-supposes that citizens of the United States outside of State organizations have no rights whatever. They are not a part of the Federal Union. They are subject slaves, and the Government is, above them, an arbitrary master, and decides their every movement or sample on the globe. The idea

springing from a gross error. It has no foundation in the system of government established by the fathers of our country. It is the antipodes of that doctrine of liberty which entered into the fabric of American institutions. It ought to be discarded from the minds of its mistaken advocates. It is in utter discord with the music of American freedom and completely subversive of equal rights and popular government. If Judge Black but succeeds in starting a movement for the ultimate abolition of the anomalous and anti-republican territorial system, even if he does not bring any immediate relief to Utah, he will deserve the plaudits of his countrymen and his name will be inscribed with undying honor in the temple of human liberty.

## **BANCROFT'S HISTORY OF THE PACIFIC STATES.**

The fourth volume of Hubert H. Bancroft's "History of the Pacific States" is ready for the public. The reason for the publication of volume four previous to the issuing of volumes two and three is that the work is being given in chronological order; instead of continuing the annals of Central America, as presented in the second volume of the series, the fourth volume of the series is next issued, which is the first volume of the history of Mexico. The three succeeding volumes will bring the histories of Mexico and Central America, side by side, down to about 1,800. These will be followed by several volumes on regions toward the north, for approximately the same period; for example, the earlier volumes on the North Mexican States, California, the Northwestern Coast, and Oregon, New Mexico and Arizona, Nevada, Utah, Washington, Idaho and Montana, British Columbia and Alaska, may be issued at any time.

The reasons adduced for this plan are these: First, the territorial peculiarities of the subject seem to demand it. There is a natural order in which to present events, and order alike best for the author and for the student. So presented, the work as a whole constitutes a more continuous and unbroken story and therefore better holds the attention of the reader. Again, this method gives to the people of the several sections, parts of their own history at much earlier dates than would be possible otherwise. Were the "History of the Pacific States," in its several parts issued strictly as one work, the volumes would be numbered in about the order of their proposed publication; but in that case they would not be so numbered that when completed the volumes of Central America, or of Mexico, or of California, etc., would stand together such as a complete history and narrative set.

In the volume before us the history of Mexico is presented from the year 1516 to 1821, covering the period from the advent of Valerius in Cuba to the conquest of Mexico under Cortes. The resources of the author in collecting reliable data for this part of his great work have been extraordinary. An alphabetical list of the authorities consulted fills nearly two pages, in small type. The style of Mr. Bancroft is well known to the literary world, and the general reader will find it graphic, attractive, terse and eloquent. Masses of information are woven into the entertaining story, and the startling events and thrilling scenes presented are doubly interesting, because they have the merit of fact with all the intensity of romantic narrative. The views of the author on important subjects connected with the epoch in American history are also broad and perspicuous, and are not tinged with partiality or any desire for effect in a biased direction. It is history related with the object of conveying and recording the truth, and written in a pleasing manner, so that the effort of the student as well as instruction.

The life of the conqueror Cortes is given from his childhood to the great victory he achieved over the unfortunate Mexicans, and all the important events of his noted expedition are described, with his Captains, plans, councils, difficulties, triumphs and matches. The ill-fated Montezuma is presented in his true character, and his career until death is given with fidelity. The investment and capture of the Mexican capital form an attractive feature of the volume, and are a fitting finale to this part of Bancroft's great work, which will add new lustre to the glory of his fame, and perpetuate his name in the list of America's greatest writers. No library on the Pacific coast will be complete without these volumes. Published by A. L. Bancroft & Co., San Francisco.

## **BY TELEGRAPH.**

## **AMERICAN.**

## **LATEST BY LIGHTNING.**

**Business.**  
**NEW YORK, 18.**—General markets as a rule remain quiet. There are some few exceptions, but every department of the market is simply drifting. While some time ago business men were waiting for the holidays to pass, now they are waiting for Congress to get away from the city. The 4th of the month of March they will perhaps be waiting for an extra session of the new Congress to do something. When is active and dexter. Telegraphic advices of damage to the corn and wheat crop from severe cold and dry weather, were not without influence on our market. California merchandise is quiet for all kinds except wool, in which there is some movement. Sales of 35 bales of 2,000 pounds at 23. Quotations in a jobbing way offered at 27 cents, but round lots are realizing 25 1/2 @ 37.  
**Chicago, 18.**—The statements of the receiver of the Union Iron & Steel Company, of the 4th of the month of March they will perhaps be waiting for an extra session of the new Congress to do something. When is active and dexter. Telegraphic advices of damage to the corn and wheat crop from severe cold and dry weather, were not without influence on our market. California merchandise is quiet for all kinds except wool, in which there is some movement. Sales of 35 bales of 2,000 pounds at 23. Quotations in a jobbing way offered at 27 cents, but round lots are realizing 25 1/2 @ 37.  
**New York, 18.**—W. S. Brooker, produce broker, has failed.  
**The fast line of steamers to Great Britain is abandoned, because Congress seems determined not to aid American shipping.**  
**Business follows the last seven days number 24, against 275 last week. New England States 19, Western States 40, Southern 64, Middle States 13 and Territories 9, Canada 27.**  
**Chicago, 18.**—Mr. J. W. Morgan, General Passenger Agent of the U. P. R. Y., is in the city. The company will open its Oregon Short Line to Elkhorn, Idaho, which is the junction with the Wood River branch, March 1st, the distance being 221 miles from the junction of the Oregon Short Line with the main line at Granger, Wyoming. The main line runs into the southern Idaho

mining region which now runs from Kellogg, Utah, to Blackfoot, Idaho, will then run from Granger, Idaho, to Elkhorn, Idaho, and then to Baker City, at Snake River, where connection will be made with the Oregon system of roads. Some 400 men are at work on the Wood River branch, running 60 miles from Elkhorn to Halley. Of this distance 45 miles are already graded, and the remainder is expected to be completed by the 1st of May. From there several narrow gauges are projected into the mining regions of the Wood River districts.  
**The Railway Age says the total mileage of railroads in the United States is about 113,000; 418,357 men are employed in railroading in various capacities; pay rolls per year, \$195,350,000.**  
**New York, 18.**—The West Shore & Buffalo railway will probably combine with the Milwaukee & St. Paul, Wisconsin Central, Grand Trunk and Northern Pacific, which will make a through line eventually from New York to San Francisco. The first named route will be completed August 1st. It runs from New York via Syracuse, to Buffalo. The Canadian Pacific will also probably make some arrangement with this combination.

## **FOREIGN.**

## **LATEST TRANS-ATLANTIC DEPARTURES.**

## **The Queen's Speech.**

**LONDON, 18.**—Parliament re-assembled to-day. The following is the Queen's speech: My lords and gentlemen: I have summoned you later than usual, because of the lateness of the last session. I am satisfied to maintain friendly relations with all foreign powers. At the close of the last session of Parliament, I had the pleasure of recording my gratitude to my lords and land forces for the suppression of the rebellion in Egypt. Tranquillity has been restored there, and I am happy to have shown by its rule to the leaders of the rebellion. The withdrawal of British troops is proposed as expeditiously as prudence and circumstances will permit. Constitutional government in Egypt and the reorganization of its affairs for the Khedive have been accomplished and continue to receive my earnest attention. It shall be my endeavor to secure full provision for the exigencies of order, and for a just representation of the white and colored races, and for the observance of international obligations. I have already been able to fulfill my promise to the Sultan of the powers, that I would submit to their friendly consideration the arrangements which appeared to me best fitted to insure the stability of the Khedive's government, the prosperity and happiness of the Egyptians; the security of the canal, and the peace of eastern Europe. My policy has been and will be directed to these objects. I rely confidently on its just appreciation by other countries.

A conference has assembled at London to consider measures for better securing the free navigation of the Danube, which is placed under the guarantee of the powers, and forms part of the public law of Europe.

The condition of Zululand and the possibility of renewed disorders there have engaged my most serious attention. With a view to the preservation of peace and order, I have caused the former ruler to be placed in possession of the greater part of the territory held before the war. I earnestly hope that this will lead to the establishment of a more stable government, and the maintenance of good relations between the Zululand and the adjoining Cape Colony. Papers on these subjects have been presented to you.

Gentlemen of the House of Commons, the business of the session coming year are in a forward state of preparation and will shortly be submitted to you.

My lords and gentlemen, I am happy that the improvement in social condition with I referred in December, continues. Agrarian crime has diminished, and law is everywhere upheld. Measures will be promptly submitted to you for preventing corrupt practices and perpetrating and amending the ballot law. You will also be asked to consider a proposal which will more effectually secure to the tenants of England and Scotland compensation for the loss of their tenancies. You have provided in recent years by a liberal devotion of your time for the most urgent needs of Ireland. Claims of general legislation and other parts of the Kingdom now demand your first regard. I trust, however, you will be able to deal with some legislative wants of Ireland, for which provision is not yet made. I rely upon your energy and prudence, and beseech the Almighty now as heretofore to bless your labors.

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