

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - MAY, 10, 1876.

DIVERSION OF THE LEGISLATIVE APPROPRIATION.

LAST session of Congress, that honorable body, induced thereto by the wilful misrepresentations of unscrupulous political adventurers connected with the Utah ring, diverted the appropriation of \$23,400, originally designed for the Legislature of this Territory, to pay the expenses of courts acting under U. S. Judges and other U. S. officers. As a consequence the members of the Utah legislature did what no other legislature in the republic was patriotic enough to do—they sat the whole session through, last winter, without one dollar of pecuniary compensation.

A similar diversion of the appropriation instituted for the Legislature of Utah it appears is to be made the present session of Congress. This does not seem to us to be a very straight forward or honorable transaction. If Congress desires to pay the expenses of the courts in Utah, as it ought to do, they being controlled wholly by U. S. officers under U. S. law, the proper way would be to make the appropriation directly, and not indirectly by diverting the funds designed for another purpose.

The diversion is made evidently with the view of punishing the members of the Utah Legislature. What for? What crime have they committed? Have they committed any crime? If they have committed any crime, when were the proceedings instituted to prove it? When were they tried? When convicted? When sentenced? If they have committed crime, and been tried, convicted, and sentenced, was it done by the courts or by Congress? We never heard of such a case in the courts. Is it the duty of Congress to try persons charged with crime, and convict, sentence, and punish them? Is this the prerogative of the legislative or the judicial power? The general understanding is that this is a judicial duty and not a legislative duty. Then why does Congress presume to try, convict, sentence and punish the Legislature of Utah upon any charge? Is Congress exceeding its constitutional prerogatives in this respect?

It may be said that Congress has not presumed to try, convict, and sentence the Legislature of Utah, that it has only diverted this appropriation as a punishment of that body. O, is that it? Has Congress the right, then, that is denied to the judiciary even, to punish persons without trial, conviction, sentence, or due course of law? We always understood that every person charged with crime had a right to a speedy and impartial trial, a lawful trial, before a jury of his peers, lawfully impaneled. But it appears that Congress presumes to dispense with this constitutional right in the case of the Utah Legislature, and punish the members thereof by withholding their usual pay, without any trial, hearing, or any kind of judicial proceedings whatever. If this is the case, then certainly the country is progressing very fast in a certain direction. Whether it be in a desirable direction or not, is another question, and a very serious one.

Again, for what reason does Congress presume to punish the Utah Legislature? With what crime is that Legislature charged? "O, the Poland bill put court matters entirely in the hands of U. S. officers, and excluded territorial officers from the same, and the Utah Legislature would not appropriate anything to pay the expenses of the courts." Is that it? How did Congress know that the Utah Legislature would not make any appropriation to pay the expenses of these courts, though controlled entirely by U. S. Officers? The Poland bill was passed a year and a half, and the diversion of the appropriation for the Legislature of Utah by the last Congress was made nearly a year, before the Legislature of Utah (sitting biennially) could sit, and show whether it would or would not make any

appropriation for the expenses of these courts. "Yes, but Congress was apprehensive that the Legislature of Utah would not make any appropriation for that purpose when it did meet." O, then Congress presumes not only to punish persons without trial, hearing, or judicial proceedings of any kind, but also to punish them in advance, for fear they may commit a crime! This is a most extraordinary policy, for a republic especially. Punish people before they do the thing for which they are punished. This is a wonderful kind of business, and this is a go-ahead country truly.

As it happened, however, when the Utah Legislature did meet the last winter, that body did make an appropriation to pay the expenses of the courts. Nevertheless, the members did not receive one dollar of their pay. So that they were punished beforehand by Congress for fear that they would not make any appropriation to sustain the courts, and when they sat and did make an appropriation, still the punishment was not remitted, nor their proper compensation, which was honestly earned, paid over to them. On the contrary, and notwithstanding their appropriative action, a similar diversion of the appropriation for their legislative pay is under way in Congress this session. This is a still more wonderful kind of a policy. Punish people, without trial or hearing, for not doing a thing they have no chance to do, and when they have a chance to do it, and do do it, still withhold remission of the punishment, and prepare to punish them in the same way again for fear they will not do the thing wished two years hence. Talk of the peculiar ways of Utah people. What are they to these peculiar ways of the Congress of the United States?

But what right has Congress, regularly or irregularly, in advance or subsequently to the action or non-action complained of, to punish the Legislature of Utah for not making appropriations to sustain the courts, or to require that Legislature to make such appropriations? It has no right in equity or justice. It has merely the right of might, the right of sheer brute force. Is the Government of this republic founded upon the right of sheer brute force? Was it for this our patriotic forefathers a century back threw off the British yoke and fought and bled and died? They might have had this kind of government without rebelling and fighting. Is this the kind of Centennial we are expected to celebrate this year of grace—the Centennial of the triumph of might over right, of brute force over reason and justice? Let us hope not. Let us hope for better things in this last quarter of the nineteenth century, and in this lauded land of liberty.

Why should the Legislature and people of Utah be required to find means to sustain these courts? The laws under which the courts operate were not enacted by the Utah Legislature. Neither the Legislature nor the people of Utah have any voice in the appointment of the officers controlling the courts. Therefore why should the Legislature or the people of Utah be required to pay these officers or the expenses of the courts? The Legislature did not establish the courts nor employ the officers thereof. Those who establish institutions should pay the expenses thereof, and not expect other people to do it. Those who employ men to do any kind of work should pay the wages, salaries, or compensation of these men, and not expect other people to do it. If the Legislature of Utah had established the courts, it would have been incumbent on that body to provide for the expenses of the courts. If the Legislature of Utah had appointed, directly or indirectly, the officers of those courts, it would have been incumbent on the Legislature to pay those officers. But the Legislature did neither the one nor the other—neither created the courts nor appointed the officers thereof, was not allowed to do it, and therefore it is not just to require the Legislature to pay those officers nor to pay the expenses of the courts. If Congress and the Legislature of the Territory come to a mutual agreement that the Legislature should provide for these payments, that is a different thing altogether. There is no brute force in that, no might against right. It is a friendly understanding and arrangement, and there is no constitutional law against that.

If Congress has the right to dic-

tate how the legislature of a Territory shall appropriate the territorial revenue, what is the use of having a local legislature? Why does not Congress assume all the functions of that Legislature? A local legislature is a mere farce and delusion under such circumstances. If Congress can require the legislature of a Territory to pay court officers appointed by the U. S., and the expenses of those courts, Congress can require that legislature to pay other officers and other expenses. If Congress can require the legislature of a Territory to pay a judicial officer, Congress can require that legislature to pay an executive officer, or a military officer. Why not? If Congress can require the legislature of a Territory to pay the expenses of courts and their officers, why may not Congress require that legislature to pay the expenses of a governor and his suite, or those of a general of the army and his subordinate officers and troops? We should like to know.

THE TOWN-SITE BILL.

A FEW days ago we published the town-site bill and the discussion upon it in the U. S. House of Representatives. There appears to be some misapprehension concerning the bill. As the law now stands, as interpreted by the U. S. Supreme Court, none of the land included within the corporate limits of any city can be pre-empted. The object of the bill is to obviate this difficulty, by allowing such land beyond certain limits mentioned, to be pre-empted by different parties who may wish. This will be a needed relief to many of the settlers in this Territory, because it will enable parties to pre-empt, settle, improve, cultivate, and obtain a Government title to those portions of land which may be included within the corporate limits of various cities, but not included within the limits of the town-sites of such cities, whatever those limits may be, they varying in different cities.

The new bill, however, has nothing to do with restricting the corporate limits of the city. It merely opens up to the general settler the land included in the corporate limits and excluded from the town-site limits, the town-site limits being the amount of land allowed by the Government to be entered as town-sites, and the corporate limits being the limits of the jurisdiction of the city. For in perhaps every case, in a new country like this, the corporate or jurisdictional limits of cities far exceed the town-site limits, it seldom being prudent to make the town-site limits and the corporation limits exactly co-extensive. The Supreme Court of the United States deciding that land within the corporate limits of a city could not be pre-empted, left much land unoccupied, or unavailable for Government title, an anomaly which this bill is designed to rectify. It is a piece of legislation that was much desired in this Territory, and will place much land in such a position that Government titles can be obtained to it.

[Special to DESERET NEWS.]

TERRITORIAL DISPATCHES.

PER DESERET TELEGRAPH LINE.

Two Men Killed on the C. P. Railroad.

OGDEN, May 4, 1876.

Editor Deseret News:

There was an accident this morning on the Central Pacific Railroad, about nine o'clock, near Promontory; the engine was derailed, killing the fireman and engineer, caused by a cow on the track.

Woman's Exponent for May 1st contains "To Young Men," "Choose Whom Ye Will Serve," "Home Politeness," "R. S. Reports," "Woman's Voice," "Girl of the Period," "Use Good English," "More About Economy," "Criticism," "Do Something for Yourself and Your Country," "Woman," "Society," "Laugh and Grow Fat," "Superfluous Women," "No Justice for Women," "Notes" and "Hints," "Correspondence," etc.

Local and Other Matters.

FROM TUESDAY'S DAILY, MAY 2.

President Young and Party.—President B. Young and party left Nephi, on their way South, this morning.

Lower.—This morning the Weber River had fallen fifteen inches, and the Utah Central new iron bridge was considered safe.

Dam Bursted.—The dam on Red Butte creek, of the Camp Douglas waterworks, has been carried away by the high water.

The Verdure.—The fine soaking rain on Saturday evening, has helped the garden things. They are coming on apace, and the trees are pushing out their leaves rapidly.

Change of Location.—The Western Union Telegraph Office is now in the new Bank Block, below the post office, having opened in the new and commodious quarters this morning.

Water Pipes.—Workmen are engaged laying, from the water main to the Townsend House, a service pipe, so that the hotel will be supplied with the aqueous fluid from the waterworks within a few days.

Gulls.—These birds are unusually numerous this season, probably as much so as at any time since their providential appearance when they devoured the devastating crickets, and when they were flying about all over this valley.

Appointments for Utah.—John W. Barnes of Nebraska, to be receiver of public moneys, Beaver land district, Utah; Charles M. Howard of Michigan, to be register of the land office, Beaver land district, Utah. — *Washington Star*, April 25.

Sunset Crossing.—We have seen a letter from Brother Amos J. Lucas, dated at Sunset Crossing, Arizona, April 6th, where Brother Lot Smith and company are making a settlement. The brethren were busy clearing land, putting seeds in the ground, and doing other necessary labor. Thirty-five acres of wheat had already been sown, at date of the communication.

The Whereabouts.—Information is wanted of the whereabouts of Richard Sanders, who was a member of the Mormon Battalion and remained in California. Any information that can be given of him or any of his children will be thankfully received by his aged parents, Moses M. and Amanda Sanders, Address St. George, Washington County, Utah Territory.

California and Nevada papers, please copy.

Copper Ore From the South.—From Bishop E. D. Woolley we learned, to-day, that forty-two thousand pounds of copper ore, from the Grand Gulch Mine, and purchased by the firm of E. G. Woolley, Robert C. Lund and Thomas Judd, of St. George, was recently shipped from that city by Wells Fargo & Co., and is expected to reach this city about the 6th inst.

To See Their Friends.—To-morrow morning Brother William Spicer and Brother Thomas C. Griggs leave for England, to which country they go on a visit to see their relatives and friends. Brother Spicer left his native country twenty years ago, for Utah, and in parting with his friends he informed them that if he lived twenty years he would, at the end of that time, pay them a visit, and he goes to-morrow to redeem that promise.

From South.—We had a visit this morning from Mr. Richard Bentley of St. George, who arrived from that place last evening. We are informed by him that the farm crops are nearly all in, and, there being no room for doubt about the plentiful supply of water, the prospects for a bountiful yield are splendid. The crops all the way up from the far south also look very promising.

An extensive mining field is opening up in the southern region. In fact everywhere thereabout the ground and rocks are impregnated, more or less, with metallic substances.

There have been several new discoveries of copper mines in Northern Arizona, near the Grand Gulch Mining Co's claim. This company recently shipped five tons of copper bullion and eighteen tons of ore, which will arrive here this

week. The Grand Gulch mine is very extensive, and the ore remarkably rich, actually yielding 95 per cent. of pure copper, the ore being free from any other kind of metals, and therefore very easily smelted. We are informed that it is the only mine of the same character in the United States; but that there is a similar one in South America. The Grand Gulch Company are in want of capital to operate so large an interest, procure suitable smelting works, &c., and presents an opportunity for profitable investment to enterprising men of means.

THE FLOOD SUBSIDED.

Yesterday we published a communication from "A Tax Payer," on the subject of the inundation of the lower part of the city by the high water, in which that correspondent suggested as one cause that "there has not been more than eighteen or twenty inches of water running through the Roper Ditch, when it might have taken as much again." Having visited the ditch alluded to this morning we are prepared to state that the correspondent was in error on that point, the body of water turned in that direction having been so large as to overflow the street along its banks, and the gates having been taken out bodily in order that there might be no obstruction to letting as much down the cut as possible. So far as the suggestion of diverting the waters of Red Butte and Emigration creeks to the surrounding bench land where water is generally scarce, or even entirely absent, is concerned, since Sunday night, there has been as much water running over that part, from Dry Creek, as the people in that part of the city can conveniently handle, and so large has been the quantity running in that direction that the cemetery has been damaged to some extent and greatly endangered; so much so that a number of men and teams had to be set to work there, by the Supervisor, to construct a levee, to prevent further mischief by the flooding waters. We note these facts because of the importance of the matter involved, the damage by the floods being of large consideration, and that blame may not be attached to parties who are doing all that can be done under the circumstances to avert calamity by the freshets.

We are pleased to be able to state that the waters have greatly subsided since yesterday morning, and the people injured by the overflow feel encouraged. Yesterday morning 8th and 7th South Streets were submerged for a long distance, as were also the various blocks intervening, but now the water has entirely receded below 8th South Street, leaving the houses once more on dry land. Below that point, however, several dwellings are still surrounded, especially that of Mr. Edwin Pettit, in one of whose buildings the water is now fully a foot deep. The railroad grade is so far repaired as to allow trains to pass over uninterruptedly, although several hands are still at work on it. Morris & Evans' brick yard is still under water, and, of course, will not be in condition for use for some time, although the water is rapidly settling.

This morning the State Road was high and dry, save in one place, where the water was running over it from east to west, and County Supervisor Wayman and a number of men and teams were busily engaged filling in the places which had been cut out, banking up the east side in spots, repairing an impaired bridge, and otherwise fortifying against future contingencies. The land adjacent to the State Road, especially that situated immediately east of it, for a considerable distance, is still under water, but unless another rise takes place before long it will soon settle and disappear. Fortunately it is mostly hay land.

The people in the south-west corner of the city are hopeful that the worst is past, but there must be some doubts upon that point, the quantity of unmelted snow still in the mountains being immense, and only requiring the fierce rays of the sun, with a fresh south breeze to bring it down with an irresistible rush in liquid form, spreading destruction in its headlong path; besides the probability of rainfalls, which help to swell the at present uncontrollable torrents that leap the rocks and plow the valleys.

A communication just received,