

EVENING NEWS

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THE GOVERNMENT AND THE TERRITORIES.

A WEEK ago we demonstrated the truth that the people of the Territories of the United States have inherent rights equally with the people of the States, and that any infringement upon those rights, by Congress or any other power or individual, is contrary to the Constitution and ought to be opposed by every loyal citizen. The position we took on this ground we believe to be impregnable. And we are satisfied that it is sustained by every principle that enters into the theory of that system of government which was set up on this land to supersede the government established here by the British crown.

We are well aware that the practice has been different from this theory. And we understand the difficulty, and as may be considered almost hopeless, of the task of combating anything that has the strength of long usage and the backing of judicial decisions. Yet these do not affect a question of right. Custom, precedent, the dicta of courts or other authorities cannot of themselves destroy any true principle. And it is the right, it is the duty, of every citizen to stand up for constitutional doctrine and constitutional liberty, no matter what may stand in the way.

If there is one thing plainer than another in the theory of the American system of government, it is this: That all governments derive their just powers from the consent of the governed. Therefore, any government forced upon people without their consent is unjust and contrary to the genius of American republicanism. It is also an established truth that the people, not the officers or authorities chosen by the people, are the source of all political power. Therefore the proposition that any portion of the people in the United States depend upon Congress or any national authority for the rights of freemen, is fallacious and hostile to the spirit and letter of republican government.

The power assumed by Congress over those anomalous organizations called Territories, has no warrant whatever in the instrument from which every department of the National Government derives its powers. Those who claim for Congress the right to legislate directly for the Territories, to appoint officers to govern the people without the consent of the government, to tax them without real representation and to do other things to which the people of the Territories have to submit from necessity, not as a matter of right, are compelled to go outside of the Constitution to look for the source of that power, and are obliged to fall back upon the plea of expediency and those general powers which they aver should be vested in all National governments. Therefore is their argument baseless, and the claim they set up groundless. For one of the undoubted and distinguishing peculiarities of the Government of the United States is its well-defined limitations over which it cannot lawfully pass, specified in clear and unmistakable language in a written Constitution by which it is firmly bound.

On this point President Andrew Johnson, in his veto message to Congress March 2, 1867, laid down the following irrefutable statement:

"This proposition is perfectly clear: That no branch of the Federal Government, executive, legislative or judicial, can have any just powers except those which it derives through and exercises under the organic law of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all."

The National Government, then, must find its authority to legislate for the Territories in the Constitution or it cannot find it at all. The only power of "exclusive legislation" granted to Congress in that instrument is mentioned in clause 16, section VIII, Article One, and is limited to the District in which is the seat of government, and those places purchased by the Government for forts, magazines, arsenals, dockyards and other needful buildings. The clause in Article Four, which gives Congress power to "dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States," as has been shown so many times, cannot be construed, without torturing the language and attaching to it meanings which the context disproves, to have any bearing upon the question of the power of Congress to govern the Territories. It gives power to the people, then it gives power to dispose of them: to sell them or to the same with them as with any kind of property belonging to the United States.

It will be claimed by our opponents that the Supreme Court of the United States has ruled on this question more than once, and decided that Congress has power to govern the Territories. But it will be seen on careful examination that the court of last resort has never given definite reasons for this conclusion, but has merely assumed it as foregone. In the American Insurance Company vs. Canter, the Court said:

"The right to govern may be the inevitable consequence of the right to acquire territory. Whence the source whence the power is derived, the possession of it is unquestioned."

In the National Bank vs. The County of Yankton, the court said:

"It is too late to doubt the power of Congress to govern the Territories."

And,

"There have been some differences of opinion as to the particular clause of the Constitution from which the power is derived, but that it exists has always been conceded."

If the source of this power is to be found in the Constitution it would be easy to point it out. That instrument is a marvel of perspicuity and definiteness. It is easy to say this power has been "conceded," and is "unquestioned." But it is not so easy, in fact it is impossible, to show authority for it in the Constitution, for it is not there. It has to be inferred and assumed, and when once assumed, to say that it is conceded is no argument at all. Indeed it is not true. Many eminent statesmen and lawyers have denied the existence of this power. Among them were Hon. Lewis Cass, Stephen A. Douglas, Matt. H. Carpenter, Jeremiah S. Black and other celebrated authorities.

If this power is not specifically granted by the Constitution it does not exist, for the Government, as we have shown, has no authority whatever but that which is named in the Organic Act of the nation. And it is against the assumption of powers not given to the National Government that the people of the United States ought to protest, and set their faces like flint. It may seem a small matter to the people in the States that the rights of citizens are invaded in the Territories. But let the National Government be permitted to establish laws in the Territories, and in one instance, and will do the same in another. Encourage or wink at usurpation in any direction, and it is likely to be exercised in other directions, and thus the limits and safeguards set up by the Constitution will be broken down one after another, the system of government which comprehends the Union of several independent commonwealths will be entirely subverted, and the very evils against which the framers of the Constitution built up the bulwarks to be found in the Constitution, will rise triumphant, trample down local self-government and popular sovereignty, and establish that centralizing and oligarchical form and force which true Democrats and real Republicans now discern and are striving to suppress.

The latter-day Saints are deeply interested in these questions, for they expect to grow into a power which will interfere between this aggression and the destruction of the grandest human government ever set up on the earth, and they should become informed upon these points and all the principles that enter into the institutions of our country, so that they may be prepared to defend the right, battle against the wrong and aid in maintaining constitutional freedom in which is involved the welfare, not only of the citizens of this Union, but of the people of all nations who now live or are yet to dwell on any part of the globe.

A DISCORDANT CONGREGATION.

This pot of sectional disturbance has again been boiling in the Madison Avenue, N. Y. Congregational Church, of which Dr. J. P. Newman is, or at least was, pastor, for it is not improbable that he is out of the position by this time. The New York Herald describes a scene that occurred in that sectarian institution last Sunday:

"Hardly had the Rev. John P. Newman finished his sermon in the Madison Avenue Congregational Church yesterday afternoon, when a man, identified as a member of the church, strode down the left hand aisle toward the pulpit with his eyeglasses in one hand and a slip of paper in the other. The pastor sat in his scarlet plush chair on the platform, with the Rev. G. H. Conference, at his side. As Mr. Newman ascended the platform both clergymen turned their heads toward the intruder, and there was a flutter in the congregation. Dr. Newman plucked a rose from the vase on the table, and with his elbow, as Mr. Newman adjusted his glasses and said to the congregation: 'You are requested to listen to the following notice.' Then he unfolded the slip of paper and continued:— 'There will be a meeting of the members and pewholders of this church in this building on Tuesday evening, April 16, 1884, at eight o'clock, for the purpose of the reorganization of the church. The notice is signed by J. Truman Smith, clerk of the church. Mr. Smith then took of his eyeglasses, folded up the slip of paper and solemnly marched back to his pew, followed by the pastor of the congregation. Dr. Newman at once advanced to his reading desk and, placing both hands upon the Bible, he said:— 'I hope that the notice just read by my friend Mr. Smith will be regarded by all the members of the church and by all the new holders of trust that they will all be present at the meeting on Tuesday night at the hour appointed. I have no communication from the brethren who called the late ecclesiastical council together, and I propose to that night to give a definite and respectful answer to the same. Now let us join in singing the next hymn with power, as is suited to the occasion.'"

The congregation gathered in groups and much speculation was indulged in by the Newmanites and Ranneyites. The pastor informed the reporters that he purpose tendering his resignation at the meeting announced, and Dr. Ranney explained that the pastor would doubtless do that, but had first ascertained by counting noses, that it would not be accepted, and that the reverend gentleman had been doing considerable manipulation. It had been decided by the Newmanite faction that no regular attendee at the church who had not paid \$10 or more for pew rent would be allowed to vote. Dr. Ranney's friends stated that this was nothing short of a desperate job, as many of the members thus excluded had placed more money than that sum in the collection box.

The Ranney faction intended to make an attempt to compel Dr. Newman to declare his principles for or against Congregationalism by demanding that he be installed pastor in accordance with the formula of that Church, which, it appears, has never been done. Altogether, in the church over which Parsons Newman presides, brotherly love has been for a long time at a discount, and acrimony is described as prevailing. It appears that the section of the same denomination in this city is animated by a similar spirit, the members having also split upon their pastor. "Behold! how good and how pleasant it is to see brethren dwelling together in unity."

ANOTHER BLOW.

Now it is the members of the Grand Army of the Republic in Utah and Nevada that are, through Congressman Cassidy, memorializing the National Legislature to disfranchise the Latter-day Saints and reduce them to political slavery. It may well be asked whether there be an organization extant that has not an unkind word or an aggressive effort to hurl against this community. Surely the prediction to the effect that they, as the Former-day Saints, should be everywhere spoken against and opposed, is being fulfilled with remarkable completeness.

The spectacle presented by this prolific question is a sublime one, but the grandeur does not belong to the side assumed by the western branch of the Grand Army of the Republic. It belongs to the position of a numerically insignificant and comparatively isolated people, a noble few against whom the unnumbered many are pitted. Still the Saints adhere to their convictions of right and stand like a rock in the midst of the troubled ocean, steadfast and immovable.

Those who fume against and decry them are professed sucklers for American institutions, and the common rights of man, yet in the same breath they demand that the former be extinguished and an exemplary and liberty-loving community stripped of the latter. But in the stirring character of the most daring character, is a leading characteristic of all the opponents of the Saints. "History will yet vindicate the Latter-day Saints and give them the foremost place in the nation for loyalty, as the most sturdy advocates and exemplars of the principles of the principles of the Constitution." The principles which their defenders who seek the destruction of human liberty will be held up as examples for warning against de-

partures from the path pointed out by rectitude and consistency. The Grand Army of the Republic should confine its operations to its legitimate sphere, if it has one.

DEVELOPMENT OF RESOURCES.

The Laramie Boomerang publishes a lucid article, urging Wyoming to imitate Utah in instituting joint stock or co-operative companies for the development of the mercantile and manufacturing interests of our sister Territory. In citing the example of Z. C. M. I. it says:

"A statement of the condition of Zion's Co-operative Mercantile Institution of Utah, published in the Deseret News, of Salt Lake, furnishes facts and figures, as well as an opportunity for a comparison of the facilities of Wyoming with those of Utah, which are well worthy the most serious thought of our business men. This institution has, of course, been organized a long time, and represents a very large amount of capital, yet it was started with comparatively small means. Its present great wealth is due largely to its home manufactures, the management of the institution having turned to practical account every resource possessed by the Territory in furnishing stock for disposition to her people."

Some of the figures which appeared in the News article are given and the editor speaks thus of his own personal observations:

"When at Salt Lake a few weeks ago we visited several of the factories of this institution, and, while being conducted through the tannery, the boot and shoe factory, the broom factory, and receiving information regarding woolen mills, cooper shops, sugar refineries, and many other establishments of local industry, we could but wonder that Wyoming, with all her varied resources, had never developed anything like what we saw and heard."

The writer concludes with this appeal which, if the people to whom it is addressed have an eye to the general interest, will be acted upon:

Wyoming raises more cattle and sheep than Utah. She has all the facilities for converting the products of her herds and flocks into articles of domestic utility, equal if not superior to our sister Territory. Why not, then, establish tanneries, boot and shoe factories, carding machines and woolen mills, to convert this product into wearing apparel, and keep the millions we send east at home? Let us have an answer in the organization of corporations to set on foot some of these profitable enterprises.

Notwithstanding the advancement which has been made by Utah it is far from being commensurate to her resources or the necessities of her people. There is an expansive field for enterprises of the kind under consideration, and a large number of men are even now unable to find employment.

BY TELEGRAPH.

PER WESTERN UNION TELEGRAPH LINE.

AMERICAN.

LATEST BY LIGHTNING.

For Blaine.

UNIONTOWN, Pa., 12.—The republican district delegates' convention in the twenty-first congressional district, composed of W. W. Wagoner, Greer, Fayette Counties, met at the McClelland Hotel last evening, when a convention composed of more than eight delegates, and retired to the hotel to deliberate. The delegates elected Hon. J. H. Ewing and James R. Sayer delegates to the National convention. Resolutions were adopted, and the delegates were instructed to support him for the Presidential nomination.

The Banks.

NEW YORK, 12.—Bank Statement: deposits increase \$383,000, reserve decrease \$267,000. Banks now hold \$3,017,000 in excess of legal requirements.

Landed.

CHESTER, Pa., 12.—United States dispatch boat Dolphin, built at Roache's yard, was successfully launched this afternoon. A large number of persons were present, among them Secretary Chandler, Admiral Mullany and other officers of the navy.

FOREIGN.

LATEST TRANS-ATLANTIC DISPATCHES.

General Bulletin.

HAVANA, 12.—General Badent late United States consul general, had declined to state his reasons for tendering his resignation. He says he may see fit later to give explanations through the press. The impression prevails that his resignation is in some way connected with the Agiero expedition.

A Communication on Dynamite.

LONDON, 12.—The Times prints a communication and the terms of the Dymally and Clan Nagai societies, also giving an account of how dynamite is obtained in France. It is asserted that Clan Nagai has received a letter bearing a Russian postmark from informant McDermott, pleading his innocence and begging for mercy. The society tendered the letter with silent contempt and its agents are tracking him.

The same article says: Matthias O'Brady recently arrived in Paris from New York to investigate the truth of the rumor that Peter Carey was hiding there. A careful search was instituted but proved fruitless; whereupon he returned to New York, leaving orders to cable him at once if any of the Careys should be discovered.

DEATHS.

SOLOMON.—In the 10th Ward, Salt Lake City, April 11, 1884, of pneumonia, Alma Edwin, son of Alfred and Mary Louisa Solomon, born April 18, 1881. Funeral from residence on Sunday (tomorrow) at 11:30 o'clock. Friends invited.

PROCTOR.—In South Cottonwood, Salt Lake county, April 11th, of membranous croup, Royal, son of J. and E. Proctor, aged 6 years, 3 months and 23 days.

Gentle Women

Who want glossy, luxuriant and wavy tresses of abundant, beautiful Hair must use LYON'S KATHAIRON. This elegant, cheap article always makes the Hair grow freely and fast, keeps it from falling out, arrests and cures grayness, removes dandruff and itching, makes the Hair strong, giving it a curling tendency and keeping it in any desired position. Beautiful, healthy Hair is the sure result of using Kathairon.

SALT LAKE THEATRE.

For Goodness Sake Don't Say I Told You.

WEDNESDAY, THURSDAY, AND

Friday Eve's April 16, 17, & 18.

First appearance this Season of the Greatest of all successes,

RICE'S SURPRISE PARTY

Who are now on a flying trip to San Francisco previous to their departure for England and Australia introducing

Miss Kate Castleton,

And a Coterie of Artists in the charming and Musical and Comedy Monies.

POP!

OR, THE

Fortunes of a Dramatic Author.

Comedy, burlesque, farce, Extravaganzas, Opera Bouffe, all rolled into one.

AN EVENING OF RARE FUN.

Seats secured at the Box Office Tuesday morning, at 10 o'clock.

POPULAR PRICES.

WANTED.

TO GET CITY PROPERTY FOR A FINE

farm. Apply to

W. S. CRISMON,

At People's Improvement Office, first door west of Valley House.

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PERCHERON STALLIONS.

FOR SALE AT ALMA PRATT'S FARM

two miles south of Continental Hotel at

and No. One Percheron stallions, from one to five years old.

For sale at Salt Lake City by Z. C. M. I.

L. F. Tinsell, Clerk, Eldredge & Co.

F. Culmer & Bro., Stewart & Chislett, Moore,

Also at Ogden by Z. C. M. I., William

Driver & Son, McNeil & Harburt and dealers

generally throughout the Territory.

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EARLY VEGETABLE PLANTS.

ALL SORTS OF EARLY VEGETABLE

Plants for sale at J. K. Kneale's. First

stand in town. 10th Ward next to Smith's

Dairy.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One bay Stud COLT, 2 years old, branded

JD combined on right shoulder.

If said animal is a brand of mine or for

sale Saturday, April 18, 1884, will be sold at

the entry point in Graniteville, City, at

2 o'clock p.m.

ARDET L. HALE,

District Poundkeeper.

Graniteville, April 8, 1884.

NOTICE.

THE ANNUAL MEETING OF THE

Stockholders of the Utah Central Rail-

way Company, for the purpose of electing

Directors for the ensuing year, will be held

at the office of the Deseret National Bank

Salt Lake City, U. T., on Monday, May 20,

1884, at 2 o'clock p.m.

GEORGE SWAN,

Secretary.

Salt Lake City, U. T., April 11, 1884

JOHN TAYLOR, President.

R. H. SCHUTTLER, Asst. Cashier.

Zion's Savings Bank

—AND—

TRUST COMPANY.

No 63 E. EAST TEMPLE ST.,

A few doors South of the Co-op. Building,

DOES A GENERAL BANKING BUSINESS.

Pays Five per cent. Interest on Savings Deposits

MONEY TO LOAN

On Approved Securities at LOW RATES OF

Interest.

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JOB PRINTING

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AND IN

The Best Style of the Art

BOOK-BINDING

AND

PAPER RULING

IN ALL ITS BRANCHES

AT THE

Deseret News Book-binding

OFFICE—COR. SOUTH & EAST TEMPLE STS.

WALKER OPERA HOUSE.

THREE NIGHTS AND SATURDAY MATINEE.

COMMENCING

THURSDAY, April 10.

THE LARGEST in the COUNTRY.

SMITH'S ORIGINAL HARKOTH DOUBLE

Uncle Tom's Cabin!

REALISTIC REPRESENTATION

GREAT COMPANY.

25 Celebrated Performers 26

10 Colored Plantation Singers 17,

2 Troupes, 10 Boys, and 10 Girls 2

2 Males, the Lawyers 2

2 Laughable 17 rich Donkeys 6

6 More Bloodhounds 6

THE JOLLY COON QUARTETTE.

Old-time 800, then plantation scenes. Happy

days in "Old South." We'll dance and sing

the Lib.-one day. Magnificent Allegory

and T. Amusement Scene. Street Parade

by the Novelties Dram Corps.

Evening Prices, \$1, 50c, 25c, and 10c.

Matinee Prices, 50c, and 25c.

Within the last few weeks, the firm

of Barton & Co., Clothiers, No. 59,

First South Street, have been receiving

one of the best selected stocks of

Men's, Youth's, Boys' and Children's

clothing ever brought into this Territory.

In addition to this, they have

taken special pains to stock up also

with the very latest and best styles of

Hats, Caps, Collars, Ties, etc. In

short, everything in the Gent's

furnishing line. For low prices and first

quality of goods they cannot be sur-

passed by any other house in the city.

The purchaser will find it to his in-

terest to call on this house and ex-

amine the goods and prices.

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259, First South Street,

Salt Lake City.

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