

The power to take away vested rights, to disfranchise citizens without criminal conviction or judicial action, to establish a dictatorship in an organized commonwealth, is claimed by Congress under a strained interpretation of a constitutional provision. Garland claimed its existence, as reported in the dispatches, under "the grant of power given to Congress to make all needful rules and regulations respecting the Territories." Now the truth is that no such power is mentioned in the national Constitution. The language of that instrument is:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Does this confer power on that body to establish an oligarchy within a republic? to disfranchise citizens? to deny to them a republican form of government? are the people of Utah the "property of the United States"? If so Congress can "dispose" of them as it thinks proper. If not no such power is vested in that body as claimed. And it is a question whether it can be claimed that Utah is in any sense the "property" of the United States. The land here became part of the public domain by the cession from Mexico. But a great deal of it has been sold by the government and bought by the people in Utah who hold it in their own right. The Government price has been paid for it and it is no longer the property of the United States any more than a hat or coat or any piece of personal property belongs to the dealer after he has sold it and received the pay therefor.

Mr. Garland, under the clause we have quoted, claims that Congress has "unlimited control of the Territories." This doctrine has been assumed, but there is nothing in the Constitution which gives Congress any such jurisdiction, except over the "district ten miles square" which has become the seat of Government, and such places as the United States may obtain by purchase and consent of the several States for needful government buildings. To understand this clearly, read the latter part of Section eight, Article one, and the latter part of Section Three, Article Four of the Constitution.

If the bill under consideration shall pass the Senate in its present shape, it is not very likely it passes the House without amendment to the eighth section, which is as plain a violation of constitutional rights as was ever attempted by any demagogue of ancient or modern times.

THE REDEMPTION OF TOOELE.

The Bird trial, which terminated on Wednesday in the Third District Court, revived the interest which was once very lively in the affairs of Tooele County. As there were some mis-statements made during the progress of the case, we will give the true particulars of the recovery of Tooele to the control of the People's Party, leading to the indictment and trial of Edward Bird, for embezzlement.

It will be remembered that the so-called "Liberals," by liberal ballot-stuffing in the mining camps, obtained possession of the County offices, and for some time "ran" the County in their own fashion, which included running it considerably into debt, and depreciating its scrip till it became well nigh worthless. It was only by wise management, close union and unflinching determination that fraud was overturned and justice re-established in the so-called Republic of Tooele. Under the leadership of F. M. Lyman, who had taken up his residence at the County seat, the election was closely watched and contested, and evidence obtained of the most complete kind that the People's Party had a clear and indisputable majority of three hundred legal votes.

The "Liberal" County Court, however, refused to canvass the returns, intending to freeze out the People's officers elect and freeze out to the positions on which they had been fattening. But Mr. Lyman, who had been elected Representative to the Legislative Assembly and County Recorder, was not to be intimidated or defrauded in this manner, so applied to the District Court for a writ of mandamus to compel the "Liberal" officers to do their duty.

He succeeded after some difficulty, but the defeated party took an appeal to the Supreme Court, which confirmed the action of the lower courts, and on the peremptory mandate of the higher tribunal, the canvass was at last made, about eight months after the election.

The result showed that all the People's candidates were elected by the majority we have named, and the Probate Judge, Mr. Schuyler, so announced when the law was read to him by Mr. Lyman, who then called on Martin, the County Clerk, to issue certificates to the officers, so declared elected. This he refused to do until the law was read to him and Mr. Lyman told him that if he did not comply with it he would be taken before a Justice of the Peace at short notice. He then made out the certificates, when the new Treasurer presented his bond, which Judge Schuyler pronounced a good one and ordered the Clerk to receive, who filed it, and with the defunct Judge and other ex-officials left the Court House, giving the key to Coroner Gillespie and intimating that he would return after supper. The new Probate Judge filed his bond with the Treasurer, the other officers with the Judge, and the new County Court was organized.

The ex-Clerk not returning, Mr. Lyman, in company with Mr. Burmester, went to Messrs. Martin and Bird and tried to induce them to come back and make a proper transfer of the books, accounts, etc., which they refused to do. The new officers then went ahead with their duties and remained in unmolested possession.

Thus there was no force, or violence; or turbulence, and no threats used as deposed by Martin at the Bird trial. Some twenty-five or at the outside thirty of the People's Party were present, reputable citizens, not given to tumult or boisterous conduct. Martin testified that he did not voluntarily sign the certificates of election. That was quite true. But it was not true that he was compelled to do so in any other than a legal manner. It was only by pushing those "Liberal" office-seekers inch by inch to the last extremity that they yielded and vacated. They were forced to give up and compelled to relinquish their hold, but it was legal force and legal intimidation that were brought to bear and not physical. There was no mob, no weapons, no shaking of fists, no threats of striking, or other such demonstrations, but the change was effected peaceably and without anything approaching to forcible ejection. It was the *mandamus* of the superior court which forced the Liberals out, and the determination evinced to use the law further if necessary which completed the victory.

The possession of the books by the People's officers exposed the nefarious doings of the party of fraud, and it was fear of this which induced the latter to cling as long as possible to their positions. Among other things disclosed was the fact that taxes had been collected by Edward Bird, deputy Assessor and Collector, from transient sheep herders to the amount of \$1,100, not a cent of which had been either paid into the treasury or even accounted for! D. W. Mitchell had been the Assessor, Bird was his deputy. It was learned that the latter had received the money, and the former expressing great surprise declared his ignorance of the collections. Proceedings were therefore instituted against Bird. Mr. Lyman appeared before the Grand Jury and the proofs were so clear that Bird was indicted. He managed to stave off the trial time and time and time again, the witnesses for the prosecution coming to the city on several occasions only to see the case postponed. At last the trial came on and Mitchell, now safe from indictment, as the time had elapsed under the statute of limitations, took the burden on himself, his affidavit being presented stating that Bird had settled with him, in full for all his accounts as deputy. Thus a verdict of acquittal was properly rendered and the Bird was set free.

The next step will be to sue Mitchell on his bonds, criminal prosecution being barred, when the bondsmen, unless properly secured will probably have to suffer from this "Liberal" style of handling the public funds. Under the restored regime, Tooele has rapidly recovered from its "Liberal" experiences and depletions, of which the Bird episode is but one of the kind it has had to endure, and with its paper up to par and close economy in the

management of its affairs, it is on the highway to prosperity and progress. It is to be hoped it will never again become the roosting place of "Liberal" Birds of prey.

THE LIQUOR BILL.

THE liquor bill, as it passed the House on Thursday, amends the section requiring one-fourth of the revenue derived from the licensing of liquor-dealing to be devoted to general school purpose in the county wherein the revenue is obtained. This is much better than the provision as it came from the Council, but it is not in our view exactly right yet. We do not dispute the right of the Legislature to regulate the disposition of a part of the revenue thus derived, so long as it is expended in the city or county to which it properly belongs. But we do dispute the right of that body after giving legislative and executive powers to a municipal corporation to divert the revenues of that corporation to uses outside of its limits. The bill in a better shape than it was, but yet contains to some extent the principle which we regard as incorrect. However the expenditure of part of the means raised in the city for educational purposes within the county is better than to divert the funds to such uses throughout the Territory.

AMENDMENTS TO THE EDMUNDS BILL.

THE Edmunds bill which passed the Senate was substantially the same as that published in the NEWS of the 15th inst. The only material changes being the introduction of the following section:

"Sec. 2. That the foregoing provisions shall not affect the prosecution, or punishment, of any offense already committed against the section amended by the first section of this act."

And the following interpolation in what was Sec. 8, now Sec. 9, after "assembly."

"Providing said board of five persons shall not exclude any persons otherwise eligible to vote from the polls, on account of any opinion such person may entertain on the subject of bigamy or polygamy; nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy."

It then continues, "but each house of such Assembly," etc.

THE COMMISSION TO INVESTIGATE.

THE request of the Legislative Assembly, embodied in the memorial telegraphed to Congress on Thursday night, is very reasonable and commendable. An excitement without any real occasion has been created in various parts of the Union, by religious zealots who have been worked upon by a few cunning adventurers in this locality. Meetings have been held at which inflammatory speeches have been made, exhibiting an astonishing lack of information on the "Mormon" question, and extreme measures have been urged upon Congress ostensibly to put down polygamy but really to give this Territory into the control of a small minority.

The national law-makers, desirous of responding to the popular demand—or what appears to be such, for the meetings held and all pertaining to them have been greatly exaggerated by the press—have hastened to devise means that exhibit the marks of rash determination rather than thoughtful statesmanship. In the anxiety to show earnestness against the object of sectarian wrath, bills have been framed or presented after being concocted by them by quite a number of members, and all that are of any length aim more at the political subjugation of the majority in Utah than the suppression of that system of marriage which is made the pretext for this irrational and anti-republican legislation.

The Legislative assembly of Utah, then, has taken a very proper step in requesting Congress to pause be-

fore proceeding to disfranchise a large number of American citizens, and establish in this commonwealth, an organized Territory of the Union, a system subversive of every principle of republican government.

It is not the first time that the Government of the United States has acted rashly and unadvisedly in regard to Utah. The army which was sent here in the time of Buchanan is a case in point. Inflamed by the false reports of such men as drummond, Brochus and Bandenbury, troops were hurriedly dispatched to Utah to put down a rebellion that had no existence whatever, and to punish a people who had done no wrong. Then a commission was sent here who found that the excitement raised against Utah had no reason or foundation. Utah was forgiven for sins she had not committed, and the troops were called home after the fiasco had cost the Government many millions of dollars. A Commission of enquiry beforehand would have saved this money and prevented the folly that was committed.

A commission of enquiry would now develop the facts that Utah is well governed, peaceful, prosperous, orderly and with less sexual vice and general crime than any other part of the country; that our local affairs are conducted with honesty, economy and fairness; that our election and registration laws are simple, equal, effective and constitutional; that the hue-and-cry which has been raised is baseless and uncalled for; and that there is no need for Congress to violate any principle of free government and equal rights in its treatment of Utah or the "Mormon" question.

The enemies of Utah have always been opposed to such enquiry. They want no commissions of that kind. Investigation is not to their taste. They proceed by misrepresentation of facts, the inflaming of the public mind, and the incitement of public men to act as the unthinking masses demand. Such a Commission as is asked for would be a wet blanket on the flames of anti-"Mormon" passion, and a developer of the true features of the Utah situation, and this would prove destructive to the schemes of the plotters.

Whether Congress shall take the course of prudence or of folly, of investigation or of blind haste, of statesmanship or of demagogery; the Utah Legislature in asking for the Commission has done its duty to the Territory and the country, and the result remains for the powers that be to determine.

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