

# EVENING NEWS

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CHARLES W. PENROSE, EDITOR.

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## HAVE WE ANY INHERENT RIGHTS?

This republic is a Union of Free and Independent States, all uniting upon the basis of certain fundamental principles, these several commonwealths retained their individuality, and surrendered no rights to the Federal Union but those which were essential to the welfare of the Confederation and were expressed in the ordinance of agreement and compact called the Constitution of the United States. The objects read in view by this union, were "to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty."

These independent States had thrown off allegiance to the British Government, and were no longer subject to its laws, and were entitled to enjoy as separate sovereignties, but to ensure the maintenance of those rights and privileges effectually. That this might be thoroughly understood, the powers of the General Government were distinctly specified and limited. And less influence might be drawn encouraging the exercise of powers by the General Government not expressly granted by the States, Articles Nine and Ten of the Amendments were added as follows:

"The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

"The powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively, or to the people."

This places the respective rights of the General Government and of the several States in their different spheres, in a clear and distinctive light. No inferential powers may be lawfully claimed by the former, no other rights than those specified are relinquished by the latter. Also it is plainly declared that the States themselves have no right to the powers that come from the people. Each State is to be governed within its own sphere according to the will of its own citizens.

The people of the States are one, and cannot make laws for the citizens of another State. The State is not the author of power nor the bestower of rights to the citizens, but the people are the source of all authority, and the officers who exercise it are not the servants of the people, but the people are the servants of the officers. In like manner the General Government does not confer rights and give powers to the States or to the people, but derives all its own authority from the States and from the people; and its powers, from the highest to the lowest, are all its departments, are the people, not the masters of the citizens.

The tendency of the times is towards the enlargement of the powers of the General Government and the consequent diminution of the powers reserved to the States and to the people. That "we are a Nation, with a big N," is affirmed by many, and that this Nation is the source of political power, is one of the heresies springing from that assumption. It should be observed that the United States when spoken of in their Federal capacity are always referred to in the plural, whether in the Constitution or in other authoritative documents. "Treason against the United States shall consist only in levying war against them, or adhering to their enemies," Article III, section 2, of the Constitution. "Neither slavery, nor involuntary servitude, except as punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction," Article XIII, section 1. Amendments to the U. S. Constitution.

This Government, then, is a Union of several republics, each preserving its own identity and each deriving its powers from its own citizens. Whether individually as States or collectively as a Confederation, it is the people who are sovereign, and they have no rulers. One of the basic principles of this governmental structure is the political equality of all citizens. The Declaration of Independence announces this as an indisputable axiom. And it also proclaims that the rights to life, liberty and the pursuit of happiness are inherent. That document is not law, but the principles it enunciates are fundamental, to our system of government. The grievances against which it protested, and for redressing which the British Government was cast off and repudiated, cannot be repeated by the Government of the United States towards any of the citizens thereof without doing violence to those essentials and to the Constitution, which that Government was created.

One of the duties and obligations of the United States is to see that each State has a republican form of government. There is no authority given to the General Government to institute any other form within the limits of the States, and the Government of the States is admitted into the Union if they are republican in form, and "Congress may make all needful rules and regulations respecting the territory and other property of the United States." But, stretching the meaning of this grant of power from the States to the Congress to the full extent claimed for it by the advocates of centralization, it cannot be construed to give any department of the Government, or any departments combined, authority to set up or exercise any power that is not republican, or which is contrary to those vital principles that give life to the whole body politic.

It is evident that the Constitution contemplates a union of States only, free, independent sovereign States, no other kind of commonwealth is hinted at in that sacred instrument. But the public domain extends largely beyond the limits of these States, and citizens have taken up their abode thereon, thus departing from the supervision and authority of the respective States, but continuing to be citizens of the United States, owing allegiance thereto and being entitled to their protection. It has become necessary that some form of government should be locally established for their benefit. And the question arises, what kind of government shall it be, and from whence shall its authority spring? The genius of our national and State institutions, the voice of the Declaration of Independence, the solemn tones of the Constitution, all unite in proclaiming that the local government among these citizens must

be republican in form, and that it must come from the people themselves. But certain modern politicians have taken up with the heresy that Congress is supreme, and that it has exclusive jurisdiction in those portions of the public domain outside the limits of the States, and can establish such local governments as it pleases, and that there is no inherent power in the people dwelling there and no inherent rights: that Congress is the source of all political power and these citizens derive what they gain from the gift of the General Government.

This is reversing things with a vengeance. It is an entire revolution of principle. It is putting the servant in the place of the master. It is making the creature the Creator. It is putting the stream higher than its source. The General Government, representing the States in the aggregate, has authority over the public domain, and the body of citizens dwell upon it organized into a State, it has the right to exercise such supervision over them as is necessary for the general welfare compatible with republican institutions.

Every so-called "Territory" of the United States is an incipient commonwealth, and the principles which are essential to that Statehood must be incorporated in the Territory so that it may reach that development. The change into Statehood must be progressive, not revolutionary. Therefore the people must be measurably in the exercise of those rights, limited only by necessary guardianship, which are fully enjoyed by the citizens of the States. Local self-government must be freely exercised, compatible with the national authority. And the right to it belongs to the people, not to Congress or to any other power but themselves. They have the inherent right to combine for their own local government, providing it be republican in form and consonant with the principles of the Constitution and the laws of the United States. The national authority must be respected within its proper sphere. And the rights of the people to govern themselves while rendering allegiance to the General Government must not be denied or infringed upon, or the very life of republicanism is assailed and jeopardized.

It matters not what the practice may be, this is the theory of the system of government in the United States. The people of the States are one, and cannot make laws for the citizens of another State. The State is not the author of power nor the bestower of rights to the citizens, but the people are the source of all authority, and the officers who exercise it are not the servants of the people, but the people are the servants of the officers. In like manner the General Government does not confer rights and give powers to the States or to the people, but derives all its own authority from the States and from the people; and its powers, from the highest to the lowest, are all its departments, are the people, not the masters of the citizens.

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One of the duties and obligations of the United States is to see that each State has a republican form of government. There is no authority given to the General Government to institute any other form within the limits of the States, and the Government of the States is admitted into the Union if they are republican in form, and "Congress may make all needful rules and regulations respecting the territory and other property of the United States." But, stretching the meaning of this grant of power from the States to the Congress to the full extent claimed for it by the advocates of centralization, it cannot be construed to give any department of the Government, or any departments combined, authority to set up or exercise any power that is not republican, or which is contrary to those vital principles that give life to the whole body politic.

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ON SATURDAY, APRIL 5th, '92  
AFTERNOON AND EVENING,  
HER GREAT PLAY  
HIS AMBER WITCH

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THREE NIGHTS  
Wednesday Matinee,  
COMMENCING  
Monday Eve., April 7th,  
America's Greatest Character Artists  
MR. & MRS. GEO. S. KNIGHT,  
Under the management of Mr. J. H. Baylis.  
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LOST.  
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WANTED.  
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REMOVAL  
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LUCERN SEED.  
FURNISH LUCERN SEED AT 60 CENTS per pound. N. H. CLAYTON.  
One mile south of H. H. bridge.

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Twentieth Ward, corner of Fruit and Pine Streets.  
SPRING FASHIONS.  
MISS COLEBROOK  
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Plastering Hair, Sheep Dip, Sheep Shears, Etc.  
WOOL SACKS AND TWINE FURNISHED ON APPLICATION.

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HOWE SCALES, ETC.  
THE CELEBRATED HAZARD POWDER  
Office and Warehouses, 17 and 19 South Temple Street, SALT LAKE CITY.  
H. DINWOODEY  
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PARLOR SUITS,  
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In Great Variety, Latest Styles, Suitable for Parlor, Bed-room and Kitchen.  
BABY CARRIAGES IN VARIOUS STYLES.  
Boys' Wagons and Children's Swings.  
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