

## THE POLAND SPOILIATION BILL.

Speech of Hon. George Q. Cannon,  
Delegate from Utah in the House  
of Representatives, Washington,  
D. C., June 2, 1874.

Mr. Cannon, of Utah. Mr. Speaker, the reasons which have been assigned by the gentleman who has introduced the bill for its passage are, that in the Territory of Utah the people have chosen a territorial marshal, who, he says, has endeavored to wrest power from the United States marshal, and have also elected a territorial attorney who has endeavored to interfere with the duties of the United States district attorney, and also that they have conferred upon their probate courts concurrent jurisdiction with the district courts for the Territory.

If these be the reasons for this legislation, then the same reasons exist in favor of similar legislation for all the Territories of the United States. The Territory of Utah should not be made an exception in this respect. In every Territory, as at present organized, they have their local officers, their sheriffs, who are the ministerial officers of their courts and who execute processes; they have their county attorneys who act for the Territory and in execution of its laws.

They also have probate courts, and in some instances possessing quite an extensive jurisdiction; sufficiently extensive to be open to the same objection that is made to the jurisdiction of the courts in the territory of Utah. This is so in respect to the Territory of Colorado, and it has been the case with other Territories. Utah is not the only Territory which has amplified the jurisdiction of the probate courts.

One of my objections to the bill under consideration is, that it is local in its application. If there be any reason for the enactment of a law like this, the same reason exists in regard to all the Territories as well as Utah.

It has been said that in the Territory of Utah United States judges have been driven away, have been compelled to flee. I challenge the gentleman who made that statement to adduce a single item of evidence to sustain the charge. In 1857 Judge Drummond, who had conducted himself most infamously in the Territory, left it, and afterward circulated all manner of charges in the public prints against the people of Utah, among others, accusing them, I believe, of using violence and driving him from the Territory. That charge was widely circulated, but upon an examination all his statements were disproved.

To return to the probate courts; was it wise and proper for the Legislative Assembly of Utah to confer upon the probate courts the jurisdiction complained of?

It will be remembered that what is now the State of Nevada once formed a part of the Territory of Utah. At the present time that territory extends three hundred and sixty miles north and south, and two hundred and sixty-four miles east and west. Its inhabitants are settled mostly in towns and villages. For this Territory and population Congress has provided three courts; first district court held at Provo; second district court held at Beaver; third district court, held at Salt Lake City. Of these courts the first two mentioned hold one term a year, and the last mentioned two terms a year. The time during which the first and second district courts have been in session, up to within the last three years, will not average two days in each year, and there has been a year or more at times when no district court has been held outside of Salt Lake. The district court in Salt Lake has been in session but a small portion of the time.

Some of the judges appointed in years past to the first and second districts never saw the places appointed for holding their courts. Recently the judges of these districts have held courts regularly in their districts, and the judge of the first district has a residence in his district, and probably the judge of the second in his also; but of this I am not certain. If he has, he is, I believe, the first judge who has resided there. The probate courts had therefore of necessity to be endowed with extensive jurisdiction, or the people would have been compelled, to punish crime, to have had recourse to lynch law. But supposing these courts had been in regular session; St. George, a city

of two thousand inhabitants, possessing large agricultural and manufacturing interests, is situated in the southern portion of the Territory in the second judicial district and one hundred and twenty miles from Beaver, where the court is held; the facilities for traveling would enable a citizen of St. George to arrive at Beaver in about three days. Would it not, under these circumstances, be highly inconvenient for him to transact any business in the district court? A citizen of Boston can travel to Chicago quicker and cheaper and more comfortably than a citizen of St. George can travel from his home to Beaver; yet the citizen of Boston would consider it something of a hardship should he be obliged to transact all his business at Chicago, and he would not be considered unreasonable should he ask for some local tribunal. Other towns in the Territory are similarly situated to that of St. George, and without legal courts of some kind, they are wholly without protection by judicial authority in property or person. Under these circumstances, can it be said that the Legislature of Utah acted unwisely in conferring jurisdiction on the probate courts? Would they not have fallen far short of their duty had they neglected to throw around their infant settlements, so widely separated, such protection as the probate courts have afforded?

So far as the administration of justice in these courts is concerned, I have had forwarded to me from the Territory a statement of the cases which have been tried by the ordinary juries of the Territory in the probate court of Salt Lake County for several years. Out of a list of eighty-four civil cases, to which Mormons and non-Mormons were parties, fifty-nine were decided in favor of non-Mormons and dissenting Mormons, and twenty-five only decided in favor of Mormons, showing how fair the administration of justice has been in that Territory by juries and the probate courts. The parties to sixty-two cases were non-Mormons and dissenting Mormons; and yet it is urged as a complaint against these courts that the judges are Mormon Bishops, &c.

Sir, there is probably no officer in Utah Territory, if he belongs to the Mormon people, who does not hold some position in the church. The Mormon people do not believe in salaried preachers; but they believe it to be the privilege of every worthy man of this organization to be an elder, and, when called upon, to make himself useful in preaching. Doubtless many gentlemen about me who have visited Utah Territory will recollect, if they passed a Sabbath there, that elders were very frequently called from the body of the congregation to preach from the stand without any preparation whatever. Bishops, probate judges, men of different vocations in the community, are thus called upon to speak to the people. So that if you say that a man must not exercise political functions in Utah because he is an officer in the church, you exclude from all offices in the Territory every respectable Mormon.

Sir, I repeat there are no reasons, unless they be religious, why there should be special legislation of this character for Utah. If it be the intention to strike a blow at the Mormon people, to exclude them from exercising the power of self-government, of controlling the country which they have redeemed and made valuable, of depriving them of the right to hold office; if it be the intention to wrest the government of the Territory out of the hands of the majority and give it into the hands of others who are the minority, then this bill will answer the purpose designed. But in attempting to force this bill through this House do not let it be said that there are legal reasons for its passage. The legal reasons for its passage do not exist.

Sir, you doubtless remember that at the session of the Legislature of Utah, held some few months ago, a resolution was adopted asking Congress to appoint a congressional commission to visit Utah and examine into the condition of affairs there. It had been alleged that legislation by Congress was necessary in consequence of the usurpations of the people who are in the majority in that Territory. They by that action plainly said they are not afraid of investigation, and are quite willing to have their affairs thoroughly examined, and if there be wrong-doing on their part to have it shown up; but they also

desired to have the conduct of their accusers examined, that a fair, impartial body of men might judge between them.

Mr. McKee. May I ask the gentleman if of those members of the Legislature who signed the petition about the violation of the laws all but three are polygamists and living now in violation of the law?

Mr. Cannon of Utah. Then the more reason for them to shun investigation. If they are all polygamists, and therefore all sinners, then the greater reason why they should shun investigation.

Mr. McKee. Is not that true? I have the list here.

Mr. Cannon, of Utah. The very fact that they invited this investigation shows that they are not afraid to meet the light of day and have investigation of the fullest and freest character. There have been difficulties doubtless in Utah Territory as there are in other Territories. There is no Territory of the United States to-day in which there are not difficulties and disputes between the local and federal authorities. The condition of affairs in the Territories is of so anomalous a character and so painful, that no people can live under a territorial form of government without irritation arising between the people or their local officers elected by themselves and the officers in whose appointment they have no voice. Examine all the Territories, and you will find this to be the case. The only difference between Utah and the other Territories is that her people, having an unpopular religion, afford her enemies a better chance to talk against them.

Mr. Speaker, who are the men who have brought this bill to this House and asked for its passage? Is this the product of the wisdom of the Committee on the Judiciary? No, sir; this bill is but one of seven or eight bills which have been brought to Washington by men who are interested in getting legislation passed through Congress. It is not a bill originating in the Committee on the Judiciary or in the Committee on Territories, or in any other committee which has had these bills before it. Who have been the men who have sought to get this bill and others like it passed by Congress? The men most interested in its passage. They are the persons who have sought to get it through.

Since the commencement of this Congress we have had the United States marshal of that Territory on the floor of this House button-holing members and doing all in his power to push forward this bill and to secure its enactment into law. We have had, too, the United States district attorney stealing on this floor whenever he could get a chance for the same purpose. These men have been here constantly pressing upon members of the Judiciary Committee, upon members of the Committee on the Territories, and upon gentlemen who are not on either of those committees, the passage of this bill.

Mr. Poland. I presume the gentleman does not mean to misstate; but neither the district attorney, the marshal, nor any one else from Utah has had anything to do with the preparation of this bill except a gentleman named Whitney, a lawyer of Salt Lake City, who holds none of those positions and who assisted me in the preparation of the bill. None of those other gentlemen had anything to do in reference to it.

Mr. Cannon, of Utah. I am very glad, Mr. Speaker, to have the gentleman make this statement, because I have it in my power to prove that the district attorney did before the Committee on the Territories claim the authorship of this bill.

Mr. Poland. Then he claimed what was not true.

Mr. Cannon, of Utah. I knew that Mr. Whitney had framed the bill and presented it, as I understood him, (for he told me so himself), to the gentleman from Vermont. [Mr. Poland.] But the district attorney did state—and doubtless the members of the Committee on the Territories will remember the statement made by him in their committee room—that he had helped to get up this bill, the bill before the Committee on the Judiciary, called "the Poland Bill." This is the class of persons who have been urging this measure all the time. Was any capitalist or any merchant from Utah, out of the thousands of non-Mormons who are said to be in that Territory, come here to urge the passage of this bill? Has there

been any deputation from any of those men? I am told there is a list of men, forty-five in number, who have urged the passage of this bill. An analysis of that list shows that a portion of these are men who have once been Mormons, and who have an unconcealed dislike for their former brethren; the others are men who are dependent upon them for trade; and others who are lawyers, and desirous to please the court of the third judicial district.

But it may be said, "If these capitalists and other influential people of Utah do not desire the passage of this bill why have they not in person or by a committee or by petition come to the House and urged that it be not passed?" The reason is obvious: These men have important interests in Utah. If they have not cases in court, they do not know how soon they may have. It would require more than ordinary courage, therefore, for such men to come forward and take part with the weak side, however strongly their feelings may lean in that direction, especially with such a judge in the third judicial district as now sits there.

It will be observed also that the parties who are here urging the passage of this bill are those who are interested in its success. If this bill should become a law, the office of the United States district attorney in Utah would be worth as much as that of the President of the United States; the office of marshal of Utah Territory would be equally valuable. What does this bill do? In the first section it sweeps away twenty-one sheriffs, and substitutes for them a United States marshal, and twenty-one deputies in the counties; that is a deputy for each county. What does the second section provide? It gives to the United States district attorney the entire control of the prosecutions in the Territory, not only under the United States laws but under the local laws.

With the feeling there is on this subject and with such a district attorney as we have now, who has shown what his designs are, we can readily understand what the fate of the Mormons would be if this bill should be made a law, especially when they are not allowed, if they even believe in the rightfulness of polygamy, to sit upon a jury, and when general reputation is made evidence in criminal prosecutions. Let an unprejudiced jurist examine this bill, especially if he has had experience in the Territories, and he cannot fail to perceive how dangerous and subversive of all republican government it is. I cannot believe that there is a member of this House who would vote for such a bill to be enforced against any other people than those who reside in Utah Territory. Let gentlemen examine it and try and forget that it is designed to be put in operation against the Mormons, and then ask themselves if they would be willing to have it go upon the statute-book.

[Here the hammer fell.]

THE SPEAKER. The forty-five minutes allowed to the gentleman from Utah have expired.

Mr. CANNON, of Utah. I trust the House will grant me more time. It is the first time that I have appealed to the House for any courtesy of this kind.

Several Members. Go on.

Mr. POLAND. Mr. Speaker, I have no sort of objection to extending the gentleman's time so long as the House may choose to extend it. I have already yielded to him and to those to whom he might choose to yield three-quarters of an hour, taking for myself only fifteen minutes in opening and fifteen minutes for closing. But I must object to an extension of the gentleman's time unless the same additional time that may be allowed to him shall be allowed to me.

THE SPEAKER. How much time does the gentleman from Utah desire?

Mr. CANNON, of Utah. I do not think I shall require much longer time. I submit this to the House.

Mr. POLAND. I do not wish to be considered as objecting to the gentleman's proceeding, but I wish the same extension given to the committee that is given to him.

THE SPEAKER. If the gentleman from Utah will specify the time he wishes the Chair will submit the request to the House.

Mr. CANNON, of Utah. I would like to have fifteen minutes longer.

THE SPEAKER. The gentleman from Utah asks for fifteen minutes, and the gentleman from Vermont asks that the same time be given

to the committee. If there be no objection these requests will be granted together. The Chair hears no objection, and the extensions of time are granted.

Mr. CANNON, of Utah. Mr. Speaker, the condition of Utah Territory is such that I can speak of it with a good deal of pride and without any fear in relation to the result of any examination to which its affairs may be subjected.

Utah Territory has now been settled nearly twenty-seven years. On the 24th of the coming month we shall have been there twenty-seven years. To-day we are out of debt. The counties, the cities and the Territory are entirely free from debt. There is not a bond of any kind afloat. The affairs of the Territory have been managed in the most economical manner. The aim has been to have taxation as light as possible. There are those who wish a change, who desire to obtain the control of affairs, and this bill is in their interest. It is easy to imagine what the result would be if it were to pass and the control of the Territory were taken out of the hands of those who at the present time have the majority there. What an excellent field there would be for—I was going to say plunder, and I do not know that it is too strong a word to use. Experience elsewhere has shown how easy it is to issue bonds and to involve a community inextricably in debt.

It is against this that my constituents protest. They wish the majority to govern. They govern elsewhere, why not in Utah? Why aid the minority by throwing congressional influence and legislation against the majority? What have the majority done that this must be inflicted upon them? It has been said, let the railroad be built across the continent and the Mormon power will soon be broken. Then it was said, let mines be discovered, so that emigration can flow in, and the overthrow of the Mormons will then be assured. The railroad has been built, mines have been opened, emigration has flowed to Utah, churches and schools have been built and organized—I believe there are five or six different denominations busily engaged there—and yet there is a class who are not satisfied. The overthrow of the majority in Utah has not been accomplished as they hoped. They now want Congress to aid them by granting hostile legislation against this majority, and thus wrest the control of affairs from their hands.

Sir, it is but another scheme for robbing that people, and it is hoped it can be done under the guise of law. Members should hesitate before they cast their votes for such a bill. Examine well what the results of such legislation are likely to be. Let members ask themselves how they would like such legislation enacted for them if they were objectionable for religion or any other reason. Put yourself sir, in the condition of the Mormons, and ask yourself how you would like to have such a law as this passed against you.

It may be said the Mormons are heretics, but this does not justify Congress in making this bill a law. Such legislation never, in the history of the world, put down heresy. If such legislation can, then all history belies itself, for history bears testimony that no such measure is proposed in this bill ever was successful in accomplishing such an object. It did not in the case of the Huguenots; it did not in the case of the Puritans; it has not in any case, and it never will, never, while the earth stands and human nature possesses its present features, unless, indeed, you stamp a religion out by destroying all its believers.

What is now Utah Territory when first settled was a country that no body desired. When my constituents went there it was supposed they would either fall victims to the Indians or starve to death. But after struggling for years they succeeded in transforming it from a desert to a place of beauty. But this was only done by immense sacrifice and toil. Some of the settlements of Utah Territory have had their entire crops swept off by years in succession by grasshoppers. In 1855 the crops of the entire Territory were destroyed by those insects. I do not think I overstate the case when I say, remote Utah then was from all help, that of any other community similarly situated hundreds would have starved to death and their settlements would have been abandoned. It was the religious sentiment prompting them to divide with