

## THE UTAH COMMISSION.

In the United States Senate on Tuesday the committee on appropriations having reported against the abolition of the Utah Commission, a debate ensued in which several senators took part, and the following remarks were made by Senator Faulkner, and telegraphed to the Salt Lake Herald:

"Mr. President:—Yesterday I asked the chairman of the committee on appropriations to give the reasons to the Senate for modifying or changing the provision of the bill, or the law, as it formerly existed

## IN REFERENCE TO THE UTAH COMMISSION.

So far as I have been able to understand the object and scope and purpose of the original creation of the commission, I could see no purpose or benefit that could result either to the country or to the Territory of Utah in preserving and continuing the commission in office any longer. It certainly was not the purpose or intention of Congress when in 1882 they passed the law, that ten years after its passage the Utah Commission should still be in existence. They found at the time this matter was before Congress the Territory was in the hands of polygamists, absolutely and entirely, and they determined after that period to fit their stringent laws in reference to the offense. In order to carry out those laws they

## VACATED ALL TERRITORIAL OFFICES

of every description, and they entered into an agreement to supply the vacancy in all the territorial inferior offices which were absolutely held by that law, by creating a commission of five gentlemen from other states or territories within the territory of Utah to be appointed by the president.

"But that law further went on and contemplated that at the succeeding election that was to be held under an entirely new election law, every man who exercised the right of the elective franchise was to take an oath that he was not a polygamist, and any man who was running for an office was compelled to take the same oath. Then it was expected the legislature was given the right to pass such laws as every other territorial legislature had the right to pass in order to fill all the offices made vacant by the Edmunds law, and which were subsequently filled by appointment under the commission.

"After all that had been carried out in accordance with the views of Congress, we find that when the legislature met under these circumstances in 1884, they passed a law anticipated by Congress to carry out the provisions of the latter clause of the ninth section of the Edmunds law. The Governor of Utah, which is not the case in any other territory under the government of the United States, has the

## ABSOLUTE VETO POWER.

He has not only the absolute veto power, but may by simply pocketing a bill absolutely deprive the legislative body of that Territory from the expression of any opinion on a legislative matter. In the organic act of Utah it requires the signature of the governor in order to give vitality to any act of

the legislature, something that is unheard of in the government of this country or in any Territory under the government of the United States.

"Without reason; without explanation, as I am informed, the governor simply vetoed that bill in 1884. The legislature, trying to carry out the provisions of the act of Congress again in 1886, passed a law and again in 1890 they passed a law to carry out the provisions of it, and provide for the election of officers in that Territory as anticipated in the Edmunds law, and again in 1892 it did the same thing and the governor has simply put it in his pocket. What object and purpose he had in preserving this Territorial commission created in 1882 I am at a loss to know. He is not a member of it or in any way affected by the provisions of the law of the legislature passed in pursuance of the Edmunds law.

"Mr. President, I am opposed to any kind of a commission sent from the States to govern a Territory. If I had been in the Senate when this commission was created, under the act of 1882, I should have opposed it. There is not, so far as I know, an excuse for it. The last territorial legislature passed as stringent a law against polygamy as the Edmunds law itself. I suppose it will not be questioned here that

## POLYGAMY AS AN INSTITUTION IN UTAH IS DEAD.

I do not know any gentleman who could question it, because if he would go to the records of the attorney-general's office here in this city of Washington, he would find an application for amnesty for all these men who were convicted by judges appointed during the Cleveland administration, in which the authorities of the church announce the fact of the abolition of polygamy in the Territory of Utah, and appeal to the President for the clemency which the law permits him to exercise. If it were simply the church authorities that made that statement there might be some question in this body; but that statement is endorsed by the governor of the Territory, by the Utah commission, and it is endorsed by all four of the judges of the superior court of Utah. The President, for the reasons stated in that petition, is urged to grant the clemency asked for by the people of Utah. Those who perhaps have not thought about this question, should remember that the commission has but

ONE SOLITARY FUNCTION TO PERFORM in the Territory of Utah. It simply has to govern the election of the people of Utah. It is sent for that purpose annually when they have their general election. They appoint the registrars, they appoint the commissioners and supervisors of elections. The returns of election have to be made to this board of commissioners and they certify the result. That is the sole function and power that has been conferred upon them, except under the act of 1891, when they were given the authority to apportion the Territory into legislative districts, which they have complied with, and the last legislature was elected under the apportionment made by that commission under the act of 1891.

Now, sir, I think the time has come, ten years after the creation of this commission, when they by the very nature of the law it was to have passed

expired in 1884, at the meeting of the next legislature for Congress to abolish it, when the question of polygamy as a question of offense against the laws of the territory and against the laws of the United States is virtually admitted to have been abandoned, when they have

NO OTHER FUNCTIONS IN THE WORLD except to control the elections of the people of Utah. I think the time has come when the people of Utah should have the right and privilege of selecting their own registrars and all the men who are to sit behind the ballot box, and to pass upon the qualifications and competency of the voter asking to deposit his ballot, especially when no man can be registered or vote in that territory who does not take the oath prescribed by law of the Congress of the United States, known as the Edmunds law.

There is another view I want to take of this matter. What justification can the appropriation committee make in reversing the action of the House of Representatives, increasing, as they admit in their report to the Senate that it does increase, the appropriations for the Utah Commission \$30,500, in order to give five gentlemen \$5,000 a year to go to Utah once a year or once in two years to appoint registrars, commissioners of election, and receive the returns from the polls and certify to them at the general election. That is all they have to do, that embraces all their functions, and yet for that this bill is to be increased, notwithstanding the condition of the treasury, to the amount of \$30,500 as announced to us by the committee on appropriations. It has been rather expensive to this government in order to furnish salaries for five gentlemen to perform duties that every other civilized community performs for itself, instead of having to send off two or three thousand miles to bring a man there to designate the person who shall pass upon the certifications of the electors of that section of country."

Mr. Faulkner then quoted from the report made by Mr. Washington of the House Territories Committee, showing that during its ten years continuance the salaries of the commission amounted to \$241,081; for contingent expenses, \$105,184; and for compensation of officers of election \$193,422.

"These facts," said Mr. Faulkner, "seem to justify me in my opposition to the views of the Committee on Appropriations. I will say frankly to the Senate that I do not like this provision of the other House exactly. I do not like the creation of this law which the House created. I do not think there ought to be any commissioner there, but I prefer it to this extent, that at least one of the gentlemen who is to be appointed is a gentleman who has lived in Utah a long time, a man in whom the people have confidence, and who, although a Republican in politics, as all the members of the commission created by the House are, is one that they feel they can trust their best interests to, and that is the Chief Justice of the Territory, Justice Zane.

"There is, of course, no question of politics in the commission as created by the other house, because every member of this board of commissioners, who are to appoint these registrars and supervisors and to receive the re-