

ample for all requirements for a great many years to come. Referred to the ways and means committee.

The special order, 32, (the jury fee bill) was, pending its third reading, committed to the ways and means committee, who desired to make other amendments.

Mr. Jaques offered the following resolution which was read and referred. That the board of directors of the insane asylum are hereby instructed and empowered to erect a plain, substantial, two story, brick asylum building, containing about 40 or 50 rooms at a total cost not to exceed \$30,000. Referred.

Mr. Francis offered a resolution to provide for the publication of two thousand copies of the report of the Regents of the University of Deseret in connection with the report of the Territorial Superintendent of District Schools. Adopted.

H. F. 67, to change the boundaries of Manti City, Sanpete County, above reported, was read and filed.

Council bill 18, to incorporate the City of Nephi, Juab County, was read the third time and passed—yeas 19. Title approved.

A communication received from the Governor was read, stating that the following bills had been approved and filed with the Secretary: H. F. 7, to provide for the fencing of orchards, lots and gathered crops; House bill 13, to amend the charter of Grantsville City.

The House adjourned until Saturday, 10 a. m.

Benediction.

THE DEBATE ON THE EDMUNDS BILL.

The debate in the Senate of the United States over the Edmunds bill, on the 15th and 16th inst., was of great interest and took a very wide range. The power of Congress over the Territories was discussed at length and able speeches were delivered on either side. If space permitted, we should be pleased to publish the proceedings in full, but failing this we insert to day the speeches of Senators Call and Vest, which we commend to the consideration of all who take interest in the questions of constitutional government and constitutional liberty.

There was little dispute over the bill till it reached the ninth section, when an animated debate took place. Senator Call said:

"It seems to me that this measure is one which ought not to be adopted by the Senate. It is an act which virtually declares that the President may give the whole political power of elections in the Territory of Utah to five persons nominated by himself and confirmed by the Senate. It seems to me that if there is anything in the institutions of this country and in the idea of self-government, that is a proposition which destroys the whole of it. It is simply a proposition to give to five persons nominated by the President and confirmed by the Senate, absolute power not only of deciding who is capable of voting, but of deciding who is eligible to election.

That all the registration and election offices of every description in the Territory are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the consent of the Senate, all of whom shall not be members of one political party, and a majority of whom shall be a quorum.

The canvass and return of all the votes at elections in said Territory for members of the Legislative Assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificates shall be the only evidence of the right of such persons to sit in such assembly.

Now, if the Senator from Vermont or the Committee on the Judiciary will report a bill by which it shall be declared that five persons appointed by the President of the United States shall have absolute authority to interpret the election laws of the Territory of Utah and the laws of the United States, to declare what votes are valid and what are not, to declare who is eligible, exclusive of any judicial construction upon the subject, to hold office in that Territory, to issue certificates which shall alone be the evidence of eligibility to office," we shall have the proposition in its

naked and proper form. For myself, sir, I can never vote for a provision which contains a power of this discretion in defiance of the popular will, based entirely upon five persons selected by the executive power of the country. I think you can find better means of stamping out polygamy than one which stamps out the institutions of the country, the rights contained in the Constitution, the distinction between judicial, legislative, and executive powers, and which by a plain enactment here gives to five persons nominated by the President and confirmed by the Senate, all of whom except one may be of one political party, absolute power not only of deciding who shall be voters, but also of deciding what votes are cast and who shall be eligible to office. I am opposed, for one, to the section.

Senator Vest said: When the seventh section of this bill was read my attention was not attracted, or else I should have called the attention of the Senate at that time to its phraseology and stated my objection to its enactment. The seventh and eighth sections of this bill simply provide for an anomaly in the jurisprudence of the United States and establish a doctrine that, in my judgement, strikes down the fundamental principle of American liberty. If there is one single clause in our Constitution or bill of rights dear to the American heart, it is that no citizen shall be deprived of life, liberty, or property without the judgment of his peers or of a competent tribunal. The idea that any citizen can have taken from him a right conferred by law, without the judgment of a competent tribunal and without a trial, is abhorrent to every principle of personal liberty and constitutional right. It is the very essence of good government and of freedom and of constitutional right that every man should be tried and convicted before punishment. The seventh section of this bill takes away from a citizen of the United States the right to vote or hold office before conviction by his peers of any crime.

The Senator from Delaware is pleased to say that this case is analogous to that of a Territory applying for admission into the Union, when Congress has the right under the Constitution to impose its own terms and form of government under the Constitution. But, sir, there is no analogy. The people of Utah to-day are voters; the people of Utah to-day are office-holders; they have had this right from the organization of the Territory.

Mr. Bayard. By act of Congress.

Mr. Vest. By act of Congress under the Constitution; and under the Constitution I say that no man can be deprived of the right to vote or to hold office except after conviction. I announce that proposition to-day. If Utah were here applying for admission into the Union then we could say to her, "Accept certain conditions;" and if they were within the limitations of the Constitution those conditions of course must be accepted or rejected. But here these rights have been conferred; they are already given; and we propose by a commission outside of the law, outside of the Constitution, to give its members power to say absolutely who shall be elected, what shall be the returns, to canvass the returns, and to declare who shall be the voters and who shall be elected. Such power inside of American legislation was never known before.

But, Mr. President, I say as a lawyer that the principle of taking away the right of suffrage or the right to hold office before conviction of crime is unknown in the legislation of this country or in its jurisprudence. In a case in 3 Cowen this doctrine was announced by the Supreme Court of New York, saying, by no tyro in our profession, by no embryo lawyer, but by a man who graced the bench and the tribunal over which he presided, by John Savage. The Legislature of New York undertook to stamp out dueling, and provided that any man who should fight a duel should be deprived of the right to vote or hold office. The case was taken to the highest tribunal in the State and adjudicated. I wish I had time to read it all; for every word of it is applicable to the case now before the Senate. I will simply read as much of it as constitutes the syllabus:

But while many rights are consecrated as universal and inviolable, the right of eligibility to office is not so secured. It is not one of the express rules of the Constitution, and is not declared as a right or mentioned in terms as a principle in any part of the instrument. Important as this right is, it stands, as the right to life itself stands, subject to the general power of the Legislature over crimes and punishments. (Barker vs. the people, 3 Cowen, 470.)

I call the attention of the Senate to the fact that this bill inflicts a punishment for crime on any man guilty of polygamy, or any person cohabiting with more than one woman, etc., by providing that he shall be deprived of the right to vote and the right to hold office. A subsequent section provides that five gentlemen constituting a commission shall determine that question. I say that this bill comes within the meaning of this decision, for it is the infliction of a punishment for crime.

As a right flowing from the Constitution, it cannot be taken away by any law declaring that classes of men or even a single person not convicted of a public offense, shall be ineligible to public stations; but as a right not expressly secured by the Constitution, it may be taken from convicted criminals when the Legislature in their plenary power over crimes, deem such a deprivation a necessary punishment. To say this, is to say in substance that the right in question may be forfeited by crimes when the Legislature so directs. If this right is taken from none but malefactors, in punishment for offenses declared by law and ascertained in due course of justice, the sense of the whole Constitution is maintained, and the public, it may be presumed, will not find their choice of agents much abridged by the exclusions from office, which their own legislators, courts and juries may thus add to those specified in the Constitution. (Barker vs. the people, 3 Cowen, 470.)

I think there can be but one answer to that argument and to that decision; and I know of no decision in the jurisprudence of the United States which has ever declared, under any constitution, State or national, that the right of suffrage or the right to hold office, after being conferred, can be taken away before conviction. But if there be any answer in the whole range of probability or conjecture, it must be that the Territories are outside of the Constitution of the United States. I do not mean to say that the Senator from Delaware so declared, but he went very far toward declaring that the Territories could be governed absolutely by Congress as it pleased. Mr. President, it is an arbitrary and despotic and unconstitutional declaration. The Territories of the United States are peopled by citizens of the United States, and I say to-day that the highest judicial declaration, in my judgement, ever made by the Supreme Court of the United States was made by the late Chief Justice Taney, when he declared that the Constitution of the national Government and the citizen walked into the Territories side by side under the Constitution of our common country. This idea that the Territories are absolute creatures to be governed by Congress as they please, without reference to the Constitution or law or right is, in my judgement, abhorrent to every principle of American freedom.

In the Dred Scott case, which I mentioned to evoke no partisan feeling—death has sealed already the voices and the passions that surrounded this decision when made, but the character of the great lawyers who participated in it will live forever—Chief Justice Taney said in regard to the power of Congress over the Territories:

But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of government. The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its power over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it, and it cannot when it enters a Territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it. It cannot create for itself a new character separated from the citizens of the United States, and the duties it owes them under the provisions of the Constitution. The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution.

Letters of gold; letters which declare the essence of the Constitution and the rights of every American citizen:

With their respective rights defined and marked out, and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved. Dred Scott vs. Sandford, 19 Howard, page 449.

Mr. Edmunds. May I ask the senator a question?

Mr. Vest. Certainly.

Mr. Edmunds. Do I understand the senator to maintain that a majority of the judges of the Supreme Court on that occasion held that it was not within the competence of Congress to abolish slavery in the Territory of Kansas or wherever that question arose?

Mr. Vest. I hold that a majority of the Supreme Court in this decision held to the doctrine which is

announced here by Chief Justice Taney, that the Constitution of the United States extended over the Territories, the people of the Territories, their persons, and their property, as it did over citizens of the States.

Mr. Edmunds. Very good; but I ask the Senator only to have the kindness to give me his opinion whether he understands that decision to amount to saying that it was not within the constitutional power of Congress, if they had chosen to do so, to abolish slavery in that Territory?

Mr. Vest. Well, Mr. President, I hardly think they did; but that is not this question; it has nothing to do with this argument, as I am making it. I would like to ask the Senator from Vermont if he believes that a citizen of a State in this Union can have the right of suffrage or the right to hold office taken away from him before conviction?

Mr. Edmunds. I think he can; by a change of the constitution of his State he may be disfranchised and deprived of a right to vote that he had before. Now, if the Congress have the same dominating power over the inhabitants of a Territory that the people in a State have over themselves, they can change the right to hold office, etc., just as the States do by their constitutions. That is the whole of it.

Mr. Vest. But that does not answer my question. The senator says now it may be done if the constitution of the State so provides; but I put the question to him, if there was no constitutional provision in a State, could the Congress of the United States exercise any such power as that? Could the right of a citizen of a State be infringed in that sort of way, and can the right of a citizen of a Territory?

Mr. Edmunds. It is perfectly plain that Congress has no power over the qualifications of voters in the States because the Constitution explicitly declares that, so far as the United States have anything to do with that matter at all, and that is as to the members of Congress, the qualifications of the voters shall be those of voters for the most numerous branch of the Legislatures of the States.

Mr. Vest. I understand that; but can the constitution of a State take away from one of its own citizens the right to hold office or the right to vote, before conviction?

Mr. Edmunds. I say most unquestionably it can, and it always has every time a State constitution, more or less, according to the judgment of the constitution makers, has affected the disqualification of voters and the holding of office by enlarging or diminishing as it may be. That is the fact. It does not regard the question of offense; it fixes the status of the people who are to enter into the political power of that government and that body of people by their constitution, because they are a people and have a right to say from time to time by their constitution who shall vote in their government.

Mr. Vest. When they fix that by a constitution or a legal enactment it applies to future offenses and not to those that have already been committed. The proposition I put is that this bill takes away from the people of Utah a right already conferred as a punishment for past offenses, and this without conviction. I affirm that what the Senator from Vermont has said here is directly in contravention to the decision of the Supreme Court of New York and, so far as I know, of the unbroken current of judicial authority in this country. Here is the plain unvarnished provision that these people shall be deprived of the right of suffrage and the right of holding office before any trial. No trial at all is provided. The provision in the seventh section is:

That no polygamist, Bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Who is to adjudge that? Who is to say whether they have been guilty or not? In the next section it is provided, and without saying who shall pass upon the rights of voters at the polls, that the returns of all elections shall be passed upon by five gentlemen appointed by the President, not a court, not a judicial tribunal, but a quasi-judicial tribunal with full and unlimited power, without the right of appeal. Much as

I detest polygamy, much as I believe it to be utterly subversive of all pure society and good morals, I shall never vote for a provision which, in my judgment, subverts the highest and dearest rights of every American citizen.

Three several attempts were made to adjourn during the progress of the debate but were negatived on the call of the yeas and nays. On the fourth motion an adjournment was had on agreement that the bill should be taken up early next day and a vote reached by 5.30 p. m. On the 16th the debate was renewed but we shall have to postpone further extracts till another day.

NOTHING BUT COMPOUND OXYGEN SAVED ME.

"Compound Oxygen has certainly done wonders in my case," writes a gentleman from Eufaula, Indian Territory. "Before I commenced taking the Oxygen, I had taken in the way of medicine about everything that was recommended for Consumption, to no effect. I had been sick in bed for about thirty-eight months in all, and in less than three months from the time I began taking the Oxygen, I was up and getting about. Had been given up by the doctors to die time and again; but I still live, and believe that nothing else but Compound Oxygen saved me." A letter received five months later from a brother of this gentleman, says: "Your Compound Oxygen has in the case of my brother performed such a miraculous cure—for we attribute it to nothing else—that I have concluded to test it myself."

A Treatise on Compound Oxygen, its Nature, Action, and results, sent free by Drs. STARKEY & PALLEN, 1109 and 1111 Girard street, Philadelphia.

WHOLESALE PRODUCE LIST

List of Buying Prices of Produce in the Salt Lake Market, corrected Semi-Weekly for the DESERET EVENING NEWS, by Z. C. M. I. and others:—

Wheat	90 @ 95cts	per bushel
Oats	.....	\$1.85 @ 1.90
Barley	.....	1.40 @ 1.50
Shelled Corn	.....	1.40 @ 1.50
Flour, XXXX	.....	2.70 @ 2.80
" XXX	.....	2.50 @ 2.60
" XX	.....	2.20 @ 2.30
Bran	.....	1.00 @ 1.10
Shorts	.....	1.10 @ 1.20
Butter	.....	25 @ 26
Eggs	.....	25 @ 26
Beef on foot	.....	8 @ 9
Mutton, dressed	.....	31-32 @ 33
Pork	.....	9 @ 10cts
Wool	.....	15 to 18cts
Hides, Dry Flint	.....	10 to 14cts
" Salted	.....	8 to 12cts
" Green	.....	4 to 6 cts

COMBINATION.

SALT LAKE CITY, UTAH,
February 23rd, 1882.

L. B. Mattison:

Dear Sir—The Albion Spring Tooth Harrow I bought of you last year was used over two hundred and fifty acres of plow land and meadow and gave good satisfaction. I also used it in cultivating corn and potatoes. I also put in ten acres of oats on newly broken sod and it did its work well and with ease to the driver and team. This year I want the seeder attachment.

To use the harrow successfully as a cultivator the corn must be planted in straight rows from three and one half (3½) to four (4) feet apart.

Respectfully,
ALMA PRATT.

JNO. A. BAILEY AND M. K. PARSON, Land Agents and Attorneys, Salt Lake City—Write to them enclosing stamp and they will give information FREE about Land Matters.

COMELY! Attractive! Winning!

These expressive words are often and properly applied to the fair ladies of our favored land; who keep their hair abundant and natural in color and lustre by the timely use of Ayer's Hair Vigor. The Vigor is safe and agreeable, and its effects are very lasting, making it the most economical, and at the same time the most beneficial and elegant of toilet preparations.

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\$500 REWARD.

They cure all diseases of the Stomach, Bowels, Blood, Liver, Nerves, Kidneys and Urinary Organs, and \$500 will be paid for case they will not cure or help, or for anything impure or injurious found in them—Hop Bitters. Test it. See "Truths" or "Proverbs" in another column.