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CLOSE OF THE SQUABBLE OVER THE EDMUNDS BILL.

ON the morning of March 14th the House of Representatives resumed consideration of the Edmunds bill, and a great deal of time was consumed in determined efforts to shut off all debate and prevent the presentation of any amendments to the bill. Much disorder occurred and the speaker was under the necessity of requesting members to take their seats so that business might proceed. Some of the strongest supporters of the bill contended for the right of their opponents to discuss the measure, and showed the injustice of demanding the previous question in thus putting a gag upon the House. After a prolonged squabble a compromise was reached to this effect: That one hour should be allowed for amendments and debate under the five minute rule, that the previous question be then ordered and one hour for further debate be then allowed, to be equally divided between the friends and opponents of the bill. This was adopted by unanimous consent.

Mr. Reagan then offered amendments to the eighth section, to the effect that no person shall be disqualified from voting or holding office unless duly convicted of the offenses named therein. He made a five minutes speech, showing that in its present shape the bill was one of pains and penalties, and was in violation of the constitutional provision that "no bill of attainder or *ex post facto* law shall be passed." He quoted from the case of Cummings vs. State of Missouri in 4 Wallace, p. 277, proving that the State cannot inflict punishment without a judicial trial, nor for a past act not punishable at the time it was committed. And from the same work, p. 333, that exclusion from any of the ordinary vocations of life for past *conduct* is punishment for such conduct; also that bills of pains and penalties are included in the constitutional term, bills of attainder.

A colloquy ensued between Mr. Tucker and Mr. Haskell on the manner in which a person can be shown to be disqualified on account of polygamy, Mr. Tucker pressing the question as to whether judicial conviction must determine the disqualification. Mr. Haskell held that the disqualification must be proven by competent authority but would not say what that authority was, but he vehemently opposed the amendments.

Mr. Mills of Texas addressed the House against the bill; his remarks wil be published in full.

Mr. Cassidy obtained the floor and made a vehement attack on the "Mormon" Church, in which he repeated many of the stale falsehoods about the origin of the "Mormon" religion which have appeared in sensational works on the subject, and a further squabble over techincalities ensuing, the amendment were put and lost yeas 88, nays 140, not voting 64.

Mr Hammond of Georgia tried to offer another amendment but the Speaker ruled that it was too late the time having expired. Mr. Hammond appealed from the decision and the appeal was laid on the table by a vote of 118 ayes against 38 noes. Mr. Singleton tried to introduce some amendments and failed. The hour for debate on the bill then opened and Mr. Converse opposed allowing a number of gentlemen part of his time. Mr. Buckner said:

I shall oppose this bill because, great as the wrong of polygamy is, I believe that this bill, taking in view its objects and the means by which it attempts to extirpate polygamy, is a still greater wrong upon the Constitution of this country and the rights of the people. I wanted to offer a proposition here declaring that this bill is not intended to interfere with the rights already accrued of any person or persons. I I meant by that proposition to have the House declare that this bill was not gotten up as a trick for the purpose of operating as a bar to the claim of Mr. Cannon in the pending election case of Cannon against Campbell. I believe, and I am sorry to say I believe, that one of the main purposes for which this bill is being pushed through this House with such unseemly haste is that it may be brought up (as it can be if the other side is willing to forego all right and justice) to foreclose the case of Cannon vs. Campbell and to give countenance to that great wrong committed against the right of suffrage by a weakling executive at the command of somebody I know not whom.

That amendment would have been a very reasonable one if this bill had no such purpose. It proposed to declare that "nothing in this act shall be so construed as to be be retroactive in its operation or affect the rights of any person or persons which have accrued prior to its passage." Now, will my friend from Kansas [Mr. Haskell] or my friend from Indiana [Mr. Calkins] say that when this bill has become a law, and when the question comes up on the election case of Cannon *vs.* Campbell, they will not offer this act as a bar against the rights of Mr. Cannon?

Mr. Calkins. I will answer the gentleman for myself very promptly. My report, which the gentleman will find upon the files of this House, gives the views of myself and a majority of the committee on elections; and those views are based upon a very different ground from that which the gentleman from Missouri now assumes. I am entirely satisfied with the ground taken in my report, and shall stand upon it in that case, not upon this bill.

Mr. Buckner. If the gentleman can vote to keep out Mr. Cannon, then I can see very well how he can vote for the enormity in this bill, which gives to a board of canvassers to be appointed by the President the very same infamous power exercised by the Executive of the Territory, to determine who are to vote and who are to be voted for. In our great aversion for the crime of bigamy or polygamy, we are by this bill putting in the hands of five men the power not only to say who is a bigamist or polygamist in that Territory, but who is entitled to vote and be voted for—to declare after a man has been voted for, whether he is a fit man to receive the suffrages of the community. That is the power conferred by this bill.

I hope that my friends on the other side will not bring this bill up to influence that election case; but I say the bill is broad enough to be used in that way, and I have a fear that the object in pushing it with such hot haste is that it may be used for that very purpose, of deciding finally the question involved in that election case. By the amendment which I wished to offer, my object was to preclude any such possibility.

Mr. Calkins. So far as I am concerned, I beg the gentleman not to cast that imputation upon me, because I am entirely satisfied with the report made long before this bill came to this House, and before I knew what its provisions were.

Mr. Kenna expressep his desire to put down polygamy, but added:

"I do not desire, in suppressing polygamy, to suppress the Constitution of my country. The fifth, eighth and ninth sections of this bill involve constitutional difficulties which combine to prevent the unanimous indorsement which this House would, but for them, have been glad to give to this bill, as it a short time ago gave to another bill in the same direction. Those sections disqualify men for opinion's sake, although they may never have violated any law of the country or of God or man. Those sections destroy the Territorial government and, because of the transgressions of 2,500 or 3,000 polygamists, throw 140,000 people into anarchy for two years, without government, without the enforcement of law and order, and with no hope of relief or remedy until at the end of that time the Territorial Legislature shall meet. Those sections organize a returning board of five men who, without let or hindrance, are to be practically the custodians of all the power in the Territory. They confer on these five men the arbitrary authority which, from the experience of the past, I shall never vote to confer on any man or set of men on earth. And they go further. The eighth and ninth sections by their of the bill, express terms, present *ex post facto* laws and bills of attainder. They are unconstitutional—so believed by me, so held by the United States Supreme Court in the cases of Cummings vs. Wallace, 277; Garland vs. Wallace, 333, and a number of other cases decided and reported, which are all accessible to this House and to the country."

Mr. Herbert vehemently assailed the gag-rule adopted in connection with the bill, and asked:

Shall we, because the public mind is excited over the question of polygamy, violate sound principles of legislation?

This kind of legislation is most eloquently denounced by Chancellor Kent, in the case of Dash *vs.* Van Kleeck, 7 Johnson's Reports, 506. I will read from it:

> There is no distinction in principle nor any recognized in practice between a law punishing a person criminally for a past innocent act or punishing him civilly by divesting him of a lawfully acquired right. The distinction consists only in the degree of oppression, and history teaches us that the government which can deliberately violate the one right soon ceases to regard the other.

In this same case that eloquent lawyer shows that this odious retroactive legislation is condemned by the Roman law, condemned by the French law, condemned by the common law, and that in every civilized system of jurisprudence it is looked upon with "disgust and indignation."

Then, Mr. Speaker, this bill provides that there shall be appointed by the President a board of five, who shall have power to appoint all the officers of elections, and these officers shall have full power to decide who shall vote and who shall be entitled to seats in the Territorial Legislature, and that without any right of appeal except to the very Legislature which is the creature of these officers. Sir, this is the Louisiana returning board over again. It is worse still. That infamous returning board in Louisiana had only the power to throw out votes. This board has the power not only to throw out votes but to throw overboard the candidates who are voted for. It is true, sir, that not more than three of the five shall belong to one party. That will be three to two. Is this any better than eight to seven?"

Mr. Townshend, of Illinois, said the constitutionality of the bill had been fully discussed in the Senate, and from reading the debate he was satisfied that Congress had the right to pass the bill. He would defy any gentlemen to put his finger on a single provision that was in conflict with the Constitution. Mr. Singleton, of Illinois, offered to do so, but Mr. Townshend would not yield. He went on to make a violent anti-"Mormon" speech, using similar language to the platform denunciations which have been delivered at anti-"Mormon" meetings. Mr. McCoid followed in a similar strain, and had the Clerk read some resolutions passed at an anti-polygamy meeting in Keokuk.

Mr. Bayne, of Pennsylvania, and Mr. Hill, of New Jersey, supported the bill, the latter reading a lot of resolutions passed by several churches and preachers against "Mormonism," among them a series signed by D. S. Tuttle, R. M. Kirby, L. Scanlan, D. J. McMillan, G. D. B. Miller, R. G. McNiece, Lewis A. Rudisill, D. L. Leonard, T. B. Hilton and C. M. Armstrong, all of Utah.

Mr. Singleton, of Illinois, spoke against the bill. Mr. Singleton, of Mississippi, showed its injustice and the wrongs that might be done under it, yet, considering the sentiments of his constituents, would vote for its passage. Mr. Tucker opposed it in a speech that will be published. Mr. Converse opposed the measure, and a dispute arose as to the power of the Governor of Utah to fill the vacancies likely to be made by the bill as viewed by some of the members. Mr. Haskell claimed that the Governor could fill them under the Organic Act, but his argument was demolished by Mr. Carlisle, who showed that the Legislature had provided for the means to fill vacancies, and that in doing so they had not, as alleged by Mr. Haskell, tried to repeal the Organic Act, but had only exercised their rightful powers of legislation conferred by that Act. But he claimed that this bill would throw out of office the appointing powers in the counties and create anarchy, confusion and distress.

Mr. Robeson, however, drew attention to the exact language of section eight and said:

The words "shall be entitled to hold" are the words which are to be construed. Does the gentleman say, as a lawyer, that that clause legislates anybody out of office who is now in? Does he say that it is not prospective and not a retroactive provision? And if there is doubt about its effect I ask him is it not a principal of legal construction that where it is a question which of two penalties are imposed, the milder one is taken? And where it is doubtful which of two legal results follow the least harsh is chosen? And are not all laws not specially made retroactive construed to be prospective in their operation.

Mr. Shellaberger attacked what he called a "church hierarchy" which he claimed had usurped the powers and absorbed the functions of civil government, and talked about "pretended revelations," "Brighamite Mormons," etc., announcing his support of the bill. Mr. Williams, of Wisconsin, talked in the same vein.

Mr. Calkins took the same ground as Mr. Robeson, and argued that the provisions of section eight cannot under any construction be made to apply to the past.

Mr. Robeson announced himself in favor of "Christian anarchy" in preference to "barbaric order," and said it was not a question of relgion. Mr. Burrows, of Michigan, would vote for the bill, but it would prove wholly inefficient to eradicate polypamy. Mr. Prescott spoke on the "crime of polygamy."

Mr. Haskell wound up the debate by a virulent attack on the "Mormon hierarchy," which he accused of various infamies, and said, "You can go from the northern line of Utah, to the southern line of Utah, and every foot of the way be within the corporate limits of a Mormon municipal organization," with other untruths of a similar character, when a vote was taken on striking out section eight, which was defeated by 44 yeas against 193 nays, 55 not voting. The bill then passed, yeas 199, nays 42, not voting 51.

Thus ended proceedings which were characterized by tumult, unfairness and trickery, altogether unworthy of an assembly of men chosen to enact laws for a great nation, the majority of whom manifested clearly their determination to yield to the clamor of bigots and the dictum of priests, even though they trampled upon the established rules, recognized precedents, and even the Constitution which they had sworn to uphold and sustain.

NON-RESIDENTS FOR COMMISSIONERS.

NEWS comes from Washington to the effect that President Arthur will not appoint Utah men on the Commission of Five. We hope that the information is correct. The senseless agitation which has disturbed the country has been chiefly stirred up in the interest of utterly unprincipled men here, who expected to make a good thing out of it. Their aim was to obtain the overthrow of all local government in Utah, and the establishment of an oligarchy composed of fifteen persons, principally of their own number with the Governor at the head. This they have not accomplished, but the Commission of Five is a step in the same direction; a very small one it is true, but big enough to raise some hopes that it will be, to a little extent, in the direction of their schemes.

We do not want to see Utah men appointed on that Commission, lest any of the plotters might obtain the reward they have sought. There are men here who would be acceptable to the large majority of the citizens, "Mormon" and "Gentile," because they would act fairly and in accordance with law. But the chief promoters of the disturbance which has resulted in the establishment of the Commission are not of that stamp, and the appointment of any of them would be a calamity.

It would be a new departure in the treatment of the Territories to appoint residents for any important office in the gift of the Government. Utah has been a dumping ground for the loads carried by public men in the shape of political hangers-on who have had claims upon them for services at election times or in other ways, and it is unlikely that any new policy will be adopted in this instance. However, if President Arthur will send five decent men here to occupy the difficult position created by the Edmunds bill, the people of Utah will be truly thankful.

The powers relegated to that Commission are extraordinary in a country supposed to be under representative government. They are not only authorized to appoint men to fill offices heretofore elective, for the management of elections in the Territory until the next session of the Legislative Assembly, but are made the sole arbiters of the right of any person to a seat in that Assembly. They are to canvass the returns of the election for the members thereof, and to give the certificate which is to be alone the evidence of the right to sit in the Assembly. Therefore the men selected to exercise such remarkable powers in a republic should be responsible persons, unlikely to be swayed from the path of duty, and not disposed to play the part of tyrants wielding irresponsible power.

The precedent offered by the course of the Governor in attempting to set aside the votes of over 18,000 in favor of the votes of 1,300 is not likely to be followed by any but partizans in whose bosoms the voice of conscience and the sense of justice can give way to personal interest or the urgings of the unscrupulous. But it is significant of what may be done or attempted when a nefarious object is in view, although law, honor and every principle of right stand in the way and forbid the deed.

We trust that the news will prove to be correct, and that honorable and sagacious men will be chosen for the singular position, in which case the schemes of the plotters will fail as signally as did the plans laid to capture the seat and salary of the Delegate to Congress.

A PAIR OF CHEATS.

We give place to-day to a letter from "A Defrauded Creditor," because he is one of a large number who have been similarly victimized The persons referred to have spared neither age, sex nor condition in their swindling operations in this city. We have had a great many applications from defrauded people to expose those heartless and impudent impostors who have preyed upon the credulity of poor old women and hard-working girls, as well as tradesmen and landlords and everybody else who would trust them to any amount.

The woman referred to is the author of anti-"Mormon" writings in which the imagined wrongs of "Mormon" wives are set forth to a gaping world, in the style of low-class novelettes and yellow-covered ten cent works of fiction, and has been sustained by certain ladies of this city who can find no better use for their spare time than to magnify the faults of their neighbors, gather up bits of scandal and unsavory gossip, and use them to poison the minds of the people abroad in relation to the Latter-day Saints in Utah. She has also received some endorsement from men here professing to be preachers of the gospel, who will use any weapons however dirty or countenance any person however disreputable in the truly "Christian" business of slandering a people whose creed they vainly assail.

We caution the Salt Lake public against such adventurers. People abroad will devour with avidity any rubbish of an anti-"Mormon" character, so it is of little use to expose to them the character of these fabricators. But those who live here ought to take warning by the losses of others, and take care not to be swindled by these parties, who in any other place would be prosecuted as "confidence" folk.

It is useless to attempt to recover anything from them by legal process, for they have no effects. But section 2,142 of the Compiled Laws of Utah provides that:

"Every person who knowingly and designedly, by false and fraudulent representations or pretenses, defrauds any other person of money or property, is punishable by imprisonment in the county jail not exceeding one year, and by fine not exceeding three times the value of the money or property so obtained."

Under this section these makers of lies and swindlers of the poor could be prosecuted and punished as they deserve to be. And this is the only recourse which we know of for the defrauded people who have been robbed of various amounts for the support of these infamous publishers of libels against the "Mormons." Such creatures are utterly contemptable and despicable, and to countenance them simply because they can