tion of this bill does this, and it
ms to me was intended to do it.
definition of the word used not
y warrants this conclusion, but
proviso to the ninth section
atly strengthens it. It is in these
ds:

rovided. That said board of five persons
l not exclude any person otherwise eligi-
o vote from the polls on account of any
ion such persons may entertain on the
ect of bigamy or polygamy, nor shall
refuse to count any such vote on account
e opinion of any person casting it on the
ect of bigamy or polygamy, but each
e of such Assembly, after its organization,
l have power to decide upon the elections
qualifications of its members.

he authors of the law recogniz-
the fact that the commissioners
ght deny a man the right to vote
account of his opinions merely,
hey would clearly have a right to
under the eighth section, saw fit
expressly provide that they
uld not do so, but there is no
vision of this sort in reference to
ibility to hold office. On the
trary, after saying that the com-
sioners might allow a man to
e who believed in but did not
ctice polygamy, lest it might be
erred that they intended to re-
ct the meaning of the word "po-
amist" as to eligibility to hold
ce, they in this immediate con-
tion proceed to say "but" each
se of the Territorial Legislature
ll have power to judge of the
alifications of its members, clear-
giving to them the power to ap-
the eighth section in its full
aning to members elected to the
gislature, and to exclude a man
refrom on account of his religi-
belief or opinions. Not many
rmons, it is safe to assume, will
r take seats in that Legislature.
t I insist further in reference to
e eighth section, that it is a bill of
ainder, which is prohibited by
e Constitution, and is therefore
yond the power of Congress to pass
en in reference to those who prac-
e polygamy. As has been seen,
prohibits all such persons from
ting or holding office.

The Supreme Court of the United
ates defines a bill of attainder to
"a legislative act which inflicts
nishment without a judicial
ial." Is it "punishment" to de-
ive an American citizen of the
ght to vote and hold office? The
me court say:

All avocations, all business, all positions
alike open to every one, and that in the
tection of these rights all are equal before
law. Any deprivation or suspension of
y of these rights for past conduct is pun-
ment, and can be in no otherwise de-
ed.

Now it seems to me that if the
preme Court of the United States
nows what a bill of attainder is, the
ghth and ninth sections of this act
e clearly in violation of the Con-
itution. When I took a seat in
is House I took an oath to support
e Constitution of the United
ates. I cannot and will not swear
a lie even to emphasize my ab-
rrence of polygamy or to punish a
Mormon, and with my views of this
ct I would have had to do so if I
ad voted for the bill when it pass-
l. It would seem that after organ-
ing a packed jury to convict, the
uthors of the bill ought then to
ave been willing to await a con-
iction before depriving American
itizens of the right to vote or hold
ffice. For what is an American
itizen deprived of those rights? He
ay live in a land of boasted free-
om, but thus stripped of the rights
nd privileges that freemen most
alue, he is no better than a slave.

The ninth and last section of the
ill (and I will publish the bill at
he end of my remarks and as a part
hereof) is a fitting conclusion to
what preceded it. By this section
ll the offices in the Territory are
eclared vacant, and all duties relat-
ng to the registration of votes, the
onduct of election, the receiving or
ejection of votes and the canvass-
ng or returning of the same, and
he issuing of certificates or other
vidence of election in said Territo-
y are turned over to a board of five
ersons to be appointed by the Pre-
ident and confirmed by the Senate,
ot more than three of whom shall
e members of one political party
Not more than three. That is
enough. There is a majority of five.
These five commissioners are to
exercise the functions of their offices
until other provisions are made by
he Legislative Assembly of the
Territory. The canvass and return
of all the votes for members of the
Legislative Assembly are to be re-
turned to these commissioners, and
they are to canvass the returns and
issue certificates of election. In a
word, the population of that doomed
Territory are placed in the hands of
a returning board—a tribunal for-
ever as infamous in American his-
tory as the star chamber in English
history.

Let the carpet-bagger, expelled
finally from every State in the
American Union with the brand of
disgrace stamped upon his brow,
lift up his head once more and turn
his face toward the setting sun.
Utah beckons him to a new field of
pillage and fresh pastures of pilfer-
ing. Let him pack his grip-sack and
start. The Mormons have no friends
and no one will come forward to de-
fend or protect their rights. A re-
turning board, from whose decision
there is no appeal, sent out from the
American Congress baptized with
the spirit of persecution and intol-
erance, will enter Utah to trample
beneath their feet the rights of the
people of that far-off and ill-fated
land. Mr. Speaker, I would not
place a dog under the dominion of a
set of carpet-baggers re-enforced by
a returning board, unless I meant to
have him robbed of his bone. A
more grinding tyranny, a more ab-
solute despotism was never estab-
lished over any people.

The Mormons have been guilty of
believing in, and some of them of
practicing, polygamy. But they
have been guilty of another sin
also. They have committed the of-
fense of belonging to the democratic
party. That Territory now has a
population about large enough to be
admitted into the Union. It would
not do to let it enter the Union as a
democratic State. There is not now
the least danger of it. After it has
passed under the manipulations of
the returning board, after her peo-
ple have been driven from their
homes under the oppressive laws
that will be passed under the pow-
ers conferred by this law, after the
carpet-bagger has gone in and taken
possession, Utah, clothed in the
habiliments of the republican party,
will be welcomed into the sisterhood
of States. I did desire to notice
some other features of this law, but
time forbids. It was passed under
the operation of the previous ques-
tion, and no one had the opportu-
nity to discuss it or to point out its
defects or imperfections. The Del-
egate sent here by the people of that
Territory, by a barefaced usurpa-
tion on the part of the governor,
was denied a certificate of election,
and was not allowed to take the
seat to which he had been elected,
or to speak in behalf of his people
while they were being robbed of
their rights.

I have no faith whatever in this
effort to deny Cannon his seat or in
the law passed at the present ses-
sion having the effect to diminish
polygamy in Utah. In my opinion
it would have have succumbed to
the logic of events and the force of
public opinion. Railroads have
brought the Territory in contact and
communication with the people of
the States. A large anti-Mormon
population will at no distant day
settle in the Territory, and poly-
gamy must give way before the ir-
resistible force of an adverse public
opinion. As long as Utah remained
isolated from the rest of the world
polygamy was secure, but when
brought into communication with
the rest of the world its disappear-
ance becomes only a question of
time. You cannot legislate men's
religion or opinions out of them.
Acts of injustice and persecution will
cause them to adhere more stubborn-
ly to their faith.

The history of the world and of
the religious persecutions that have
disgraced churches and governments
establish this fact beyond contro-
versy or doubt. "The blood of the
martyrs is the seed of the church"
has held good in all the past and
will prove true to-day. Mr. Madi-
son, in his letter to Edward Ever-
ett, of March 19, 1823, says upon
this subject:

The settled opinion here is that religion is
essentially distinct from civil government
and exempt from its cognizance; that if
new sects arise with absurd opinions or over-
heated imagination, the proper remedies lie
in time, forbearance, and example.

There is more wisdom and true
religion in these few words of the
father of the Constitution than can
be found in all the test acts and test
oaths and religious intolerance and
persecutions that have ever dis-
graced the human race or dyed the
white robes of Christianity in blood.
[Great applause.]

Mr. Beltzhoover was recognized.

Mr. Calkins. If the gentleman
from Pennsylvania will yield to me
I will make a motion that the House
adjourn.

Mr. Beltzhoover. I am quite will-
ing to yield for that motion.

Mr. Calkins. I will submit the
motion to adjourn after some gen-
tlemen have been recognized, who
desire to ask unanimous consent.

The Speaker. The gentleman from
Pennsylvania is recognized.

Mr. Beltzhoover. Mr. Speaker this
important contest is fortunately free
from all partizan considerations, and
will, therefore, be determined upon
its merits and the plain principles of
right. The election out of which it
arises was held on November 2d,
1880, for the choice of a delegate
from the Territory of Utah. The
returns, which were duly filed with
the Secretary of the Territory, were
opened and canvassed by him in the
presence of the governor of the Ter-
ritory on December 14, 1880. The
canvass of the votes, which was con-
concluded on January 8, 1881, show-
ed that George Q. Cannon received
18,568 votes, and Allen G. Campbell
received 1,357 votes. The law pro-
vides that the person having the
highest number of votes shall be de-
clared by the governor to be elected.
The governor, however, in the mis-
taken belief that he had a right to
go behind the returns, heard evi-
dence and arguments to show that
Mr. Cannon was an alien and poly-
gamist, and on these grounds, find-
ing them, as he believed, sustained,
declared Mr. Cannon ineligible and
disqualified to serve as a Delegate.
The governor further decided, under
an erroneous view of the law, that,
Mr. Cannon, being ineligible, the
votes cast for him were void, and
Mr. Campbell, being a citizen and
eligible, and having received the
next highest number of votes, was
elected. The Governor accordingly
gave Mr. Campbell a certificate of
election, and filed among the records
of the Territory, in the office of the
secretary thereof, an elaborate opin-
ion containing a full statement of the
facts. The secretary of the Territory,
on January 10, 1881, gave Mr. Can-
non a certified copy of the opinion
and declaration of the governor, and
also, on January 20, 1881, gave him
a certified abstract of all the returns.

Mr. Cannon notified Mr. Camp-
bell, on February 4, 1881, that he
would contest his seat on the ground
that he, Cannon, had received a
large majority of the votes cast. On
February 24, 1881, Mr. Campbell re-
plied to Mr. Cannon's notice that
he was not elected, and if elected,
was disqualified by reason of his
alienage and polygamy. No testi-
mony was taken by Mr. Cannon in
support of his notice during the
time allowed to him by law, but on
May 9, 1881, and subsequently there-
to, testimony was taken by Mr.
Campbell to show that Mr. Cannon
was a polygamist and an unatural-
ized alien, and by Mr. Cannon, in
reply, to show his citizenship.

The certificates held by Mr. Can-
non and Mr. Campbell, and all the
papers and testimony in the case,
were placed in the custody of the
Clerk of the Forty sixth Congress,
and by him were handed over to
his successor at the organization of
the Forty-seventh Congress.

When the Forty-seventh Con-
gress was organized and the Dele-
gates from the Territories were
called to be sworn, objection was
made to both Mr. Campbell and
Mr. Cannon, and neither was ad-
mitted. After a full discussion of
the question as to which of the two
gentlemen had the *prima facie*
right to the seat, it was resolved by
the House on January 13, 1882—

That the papers in relation to the right to
a seat as a Delegate from the Territory of
Utah be referred to the Committee on Elec-
tions, with instructions to report, at as early
a day as practicable, as to the *prima facie*
right or the final right of the claimants to
the seat, as the committee shall deem pro-
per.

This resolution clearly made the
case a special one and took it out of
the regular order under which cases
go to the committee on elections
under the law and the standing rule
of the House. Both the *prima*
facie and final rights were argued
by the parties before the committee,
but it would not be proper to pro ong
the contest by dividing and report-
ing on the *prima facie* title, when
the committee are ready to pass
upon the final right, and thereby
dispose of the case.

WERE THE CERTIFIED RETURNS EVIDENCE?

The first question which was pre-
sented for the determination of the
committee was: Are the certified
copies of the returns of the election
from all the counties in the Terri-
tory evidence?

During the thirty days allowed
Mr. Cannon under the law for tak-
ing testimony in support of his no-
tice of contest he declined to take
any testimony, but attached to his
notice copies of all the returns of
election from all the counties in the
Territory, filed in the office of the
Secretary of the Territory, under the
seal of said office. He also subse-
quently, after the time had expired
for taking testimony by him in
chief, filed with the clerk of the
House certified copies of the same
returns, and they are now printed
in the *Record* and are before the
committee as part of the papers in
the case.

The counsel for Mr. Campbell, the
contestee, objected to these copies,
and stopped on the threshold of the
argument before the committee, and
asked to have the contest dismissed
for the reason that Mr. Cannon had
not offered any competent testimony
to sustain his case. I am of the
opinion that these certified copies
are evidence, for several reasons:

First. The returns are made to
and filed with the secretary of the
Territory, in conformity to law, and
as a part of the records of his office.
They are compiled by the clerks of
the several counties from the pre-
cinct returns, and are sent to the
secretary of the Territory under the
provisions of a well-guarded elec-
tion law. They are, therefore, re-
cords of the secretary's office, upon
which the important rights of the
people to representation depend, and
can be certified for the purpose of
evidence as any other record.

Second. The election was held,
the canvass was made, the result
declared, and the certificates issued,
under sections 21 and 22 of the Ter-
ritorial act of 1878, and section 1862
of the Revised Statutes of the
United States. This is very clear-
ly recognized by the governor all
through his opinion, and in the
certificate which he issued to Mr.
Campbell. This being so, the gov-
ernor had only the right to declare
who was elected, and the secretary
had the right to certify the declara-
tion. The certificate of the gover-
nor was, therefore without author-
ity of law. The certificate of the
secretary of the Territory, which
gives the whole declaration of the
result by the governor, when the re-
returns were opened and canvassed
in his presence, by said secretary, is
the legal certificate. This certifi-
cate clearly gives Mr. Cannon the
prima facie right to the seat, and
the copies of the returns, which
were filed at the same time with
the certificate, corroborate that
right. They are a part of the title,
which for the further consideration
of the case is good enough without
them until it is assailed by testi-
mony going to the legality and
number of the votes cast. No such
testimony was given.

WHO WAS ELECTED?

This brings us to the consideration
of the second inquiry: Who was
elected and returned by the people?

This question I will not take time
to discuss. I am satisfied clearly
and beyond all doubt that Mr. Can-
non received a very large majority
of the votes cast in conformity to
the laws of the Territory, and was
duly elected and returned. I desire
to emphasize this point for the rea-
son that I will not consent that the
questions of election and return
shall ever be determined by any-
thing but the honest majority of
votes cast. I do not believe that
anything but votes can elect, and
that the permanence of representa-
tive government depends more up-
on faithfully observing and respect-
ing this principle than anything
else. This disposes of the claim of
Mr. Campbell that he was elected
and returned, although he only re-
ceived a small minority of the votes
cast. The doctrine that when the
majority candidate is ineligible or
disqualified the minority candidate,
being qualified, is elected, is utterly
repudiated in almost all the States
of this Union and by the uniform
decisions of Congress. Under no
circumstances, therefore, has Mr.
Campbell any any claim or title to
be seated in this contest.

IS MR. CANNON A CITIZEN?

Having concluded that Mr. Can-
non was elected and returned, there
remain the questions: First, is he
disqualified because he is an alian?
Second, is he disqualified because he
is an open and avowed polygamist?

I have given the subject of Mr.
Cannon's citizenship careful exami-
nation, and have concluded that,
under the decision of the Supreme
Court of the United States in Camp-
bell vs. Gordon, 6 Cranch, 176, the
certificate of naturalization held by
him is valid. It is in strict conform-
ity to the spirit and policy of our
Government to give a very liberal
construction to the laws and regu-
lations governing naturalizations.
We are a nation whose progress and
prosperity are are largely built upon
the emigration and absorption of
the millions of people who have and
will continue to come to us from
foreign lands. A learned judge has
justly said:

If every naturalized citizen must always
be prepared with his proofs to maintain the
grounds upon which he obtained his papers
in all courts and places in which they may
be brought into question, the boon of citizen-
ship, which is so liberally bestowed, would be
barely worth possessing.

WHAT IS POLYGAMY?

We come, then, to the great con-
trolling question in the contest: Is
Mr. Cannon disqualified to sit as a
Delegate from the Territory of Utah
because he is a polygamist?

What is polygamy? What are its
characteristics, doctrines and prac-
tices, and how does it affect its
followers and adherents in their re-
lations and loyalty to the Govern-
ment?

We can give the most correct and
compendious answer to these in-
quiries by quoting from the majo-
ity report of the committee on elec-
tions, made in the Fortieth Con-
gress, in the contested elec-
tion case of McGrorty vs.
Hooper. The committee went into
the subject elaborately and took
testimony from every source which
was within their reach. They say:

That by reason of polygamy in Utah great
crimes have been committed and have been
let go unwhipped of justice. Open violation
of the authority of this Government has fre-
quently occurred. The sanctity of the ermine
has been profaned, the course of justice ob-
structed. Organized assassination has been
frequently perpetrated.

The revelations of the seer have a higher
authority than the laws of Congress. The
sermons of the Mormon Apostles have an
edifying effect in Salt Lake City, quite
equal in the opinion of their follow-
ers to those of certain preachers in the cities
of the east, and of more weight than a judi-
cial decision. Intolerance, wrangling, vio-
lence, and polygamy have marred the ad-
ministration of our laws in Utah and have
weakened the authority of the United States.
Why?

Because the organic law of the Territory
does not remedy the evils local and peculiar
to Utah, thereby leaving the dominion and
control of the Territory and its resources
completely in the hands of the hierarchy of
the Mormon society.

Because the monopoly of wealth and power
in the Territory is to a great extent in the
hands of the Mormon leaders, excluding com-
petion from the so-called Gentiles, i. e., citi-
zens of the United States not members of the
Mormon society; the preference being by
custom given to a Mormon whenever compe-
tition is likely to injure the Mormon interest.

Polygamy prevails in spite of *express* laws
of the United States, in open outrage of
every sacred family tie, controlling the social
organization of the community, and shaming
the sense of propriety so long and well estab-
lished among all races of Europeans on this
continent. No officer of the United States,
civil or military, can hope to exert any salu-
tary influence over this society while poly-
gamy is allowed in defiance of his authority,
and against the law of the Government he
represents.

Polygamy must be abolished in all this
Territory, or the power of this Government
will be held in contempt by every class of in-
habitants. Through its influence a social
ban is put on all Christian women who re-
main true to the laws and customs of their
country, and the precepts of their faith.

Isolated from all other influences than
their own peculiar customs and prejudices,
the Mormon population are not amenable to
the arguments usually applied to enlighten
or reform mankind. A revelation from the
seer or a strong inducement to migrate seem
the only easy remedies. Polygamy is syno-
nymous with bigamy. Bigamy is, under our
law, a crime, and polygamy is a monstrous
bigamy. Under the Mormon organization it
seems to threaten to become incest. The in-
termarriage of the leading families have
made the usual definitions fixing relationship
very complex, if not impossible, under the
laws of the United States.

To the Mormons such definitions of poly-
gamy and its developments are perhaps
harsh, but your committee use only the defi-
nitions established among and by the people
of the United States by common law and
common decency. The instances of incest
among the Mormons are taken from the
printed works on the customs of that society,
and your committee refer to them for the
reliability of the statements. There seems to
your committee, however, abundant proof of
licentious practices under the law regulating
marriages in Utah to call for vigorous en-
forcement of the existing law of Congress on
the subject of polygamy. A conflict between
monogamy and polygamy has been inaugu-
rated in defiance of our laws by the Mormons
themselves.

And this licentious custom of marriage or
reckless abuse of that sacred rite is one of the
most glaring and practical proofs of the ag-
gressive and dangerous character of a system
which grows at the will or in obedience to
the lust of a political ruler styling himself a
prophet.

Toleration of religious views *is a holy* duty
enforced on Congress by the Constitution,
but no law does or can exist which permits
toleration of a practice hostile to the safety of
society. Such a practice may be introduced
by the best and highest human authority, but
whether under the name of prophet, priest or
king, it matters not, so long as the practice
introduced be against the established law of
the land or fatal to the welfare of the state.

There are other practices under the hier-
archy of Utah which militates, in the opinion
of your committee, against the principles of
good republican government. But the ori-
gin of all these existing evils, and the certain
source of innumerable future evils in Utah,
is in the prophetic power of the head of the
society which rules there. The union of
church and state, the combined sanctity of
the voice of God and the will of the people,
arm the chosen ruler of that organization
with spiritual and temporal power.

Has that power been hostile to the Govern-
ment of the United States? Your committee
believe that it is, and has been hostile rather
from the inherent spirit of its creation than
from any design on the part of that people.

* * * * * * *

The Secretary of War, in his report of De-
cember, 1857, says:

"The Territory of Utah is peopled almost
exclusively by the religious sect known as
Mormons. They have substituted for the
laws of the land a theocracy having for its
head an individual whom they profess to be-
lieve a prophet of God. This prophet de-