

exterminate those who practice it. Would any member of this House, actuated by the commonest impulses of humanity, susceptible to ever so remote a sentiment of charity for the weaknesses of his kind, feel justified in exterminating a fellowman because he violates and defies the religion of his fathers? Has the great Author fashioned all men of like perceptions and possibilities?

I call the attention of the patrons of this bill to the fact that we sit here and vote money and protection to the useless, brutal, murderous savage, whose highest instinct is bloodshed and plunder, and whose natural infidelity is only equaled by his imperviousness to the influences of mercy, while they propose without so much as a scrap of indorsement from the people, to vote away their resources upon an idea which reacts only upon itself and which cannot long survive under the glare of this reformatory age.

But, sir, if we deliberately elect to precipitate this Mormon war, right or wrong, let us reckon the requirements. We must select our bravest men and put them in the front; men who will fight well upon abstractions, men who will fight for the lust of blood, for the inspirations of patriotism, of national faith, or even of political liberty, are all wanting. By the half-hearted, intermittent method upon which we kept the Semipoles at bay, and are failing to keep the Apaches innocent of Saxon scalps, we shall never subjugate the Mormons, but may rather win to them recruits and adherents from all parts of the earth.

Mr. Speaker, this bill, with all due respect to the Committee on the Territories, is as inoperative, as ill-considered, as worthless for all practical purposes in detail as it is generally unwise and premature. I propose to scan briefly a few of its provisions. Section three provides that there shall be appointed for each judicial district of the Territory a deputy or an assistant United States attorney. Section four makes it the duty of the district attorney of the United States to attend in person or by deputy all the district courts in the Territory, to prosecute all criminal indictments returned to said courts. Section twenty-five takes away the present criminal jurisdiction of the probate or county courts, and gives the United States district or territorial courts exclusive jurisdiction in criminal cases. Mr. Speaker, I find on an examination of the statutes that the salary of the United States district attorney for the Territory of Utah is \$500 per annum. Where can there be found a lawyer who will take such a position? Where can there be found a competent attorney who will agree to devote all his time to practice in these courts, and pay his traveling expenses, and prosecute all criminal cases for \$500 per annum and a doubtful amount of fees?

These sections of the bill just cited evidence to my mind the struggle between reform and reduction which has been going on in the minds of the members of the Committee on the Territories. The committee wished to be at once virtuous and economical. They conjectured the House might possibly wink at a public scandal, but would certainly glare with pitiless eye upon a proposed public expenditure, and so with that same touching confidence and devotion which inspired those who drop money into the box for the heathen, feeling that their duty is performed whether the heathen ever get a cent or not, the committee provided for district attorneys and did not provide any compensation for these district attorneys.

If no gentlemen shall be found willing to prosecute polygamists without pay, and merely for the comfort and joy of the transaction, it is not the fault of the committee.

Mr. TAFFE. I should like to ask the gentleman a question on that point.

Mr. FITCH. Yes, sir.

Mr. TAFFE. What are the salaries paid to district attorneys in the Territories all over the United States? Is not this salary higher than usual?

Mr. FITCH. I understand that this office is one mainly of fees.

Mr. TAFFE. Is not this higher than usual?

Mr. FITCH. I will answer the gentleman if he will permit me. In the States the fees amount to a considerable sum, but no such duties are imposed upon United States district attorneys in any other part of the country as are proposed to be imposed by this bill, which obliges them to attend to all criminal prosecutions in all the courts of the Territory. The gentleman will observe that this bill takes away the criminal jurisdiction of every court in the Territory except the United States courts.

Mr. STRICKLAND. Is there any Ter-

ritory where the probate courts have criminal jurisdiction?

Mr. FITCH. Yes, sir; they have jurisdiction up to a certain degree. I believe in all the Territories they have criminal jurisdiction on all cases of misdemeanors, and I believe in a certain class of felonies. But it is not the duty of the United States district attorney to prosecute criminal cases in the United States territorial district courts; that duty devolves upon local district attorneys elected by the people and paid by them.

Now, sir, section seven of this bill provides that the United States marshal and clerk of the United States court shall select the jury. It removes this delicate and responsible task from the usual arbitration of chance. It takes it from the judge who might be unwilling to pack a jury, even to convict a polygamist, and places in the hands of the ministerial and executive officers of the court the dangerous and responsible power of selecting a jury to pass on the lives and the liberty and property rights of the people. Why not do away with the farce of a jury draft and make the marshal and the clerk the jury? The result would be the same, and the process less troublesome and expensive.

I doubt very much, sir, if under the provisions of this bill a panel of thirty-nine men for grand and petit jurors can be obtained in Utah. Mormons are excluded from the jury, and the Gentiles are not numerous. Section ten of this bill provides that no person shall be competent to serve either as grand or petit jurors who believes in, advocates, or practices bigamy, concubinage, or polygamy; and upon that fact appearing by examination, on *voir dire* or otherwise, such person shall not be permitted to serve as a juror.

Webster defines concubinage as the act or practice of ameliorating the acerbities of bachelor life without the authority of law or legal marriage. These are not the exact words of Webster. His definition is a little clearer, but I prefer my form of expression. Gentlemen who wish to be entirely accurate can hunt up the authority.

Now, I doubt if thirty-nine men could be found in Utah able to take such an oath. Of course in the Springfield district of Illinois there would be no difficulty in obtaining a jury under such restrictions, though I fancy they would thin the panel even there. But Utah is a frontier community where men are not subjected to wholesome social restraints, and where, in this particular, at least, even they are singularly destitute of a shining moral example.

Section fourteen of this act places polygamy and concubinage upon a par with murder, in that it deprives the parties accused of these offences of the benefit of the statute of limitations. Permit me to place this law in working harness, that we may mark its operations and scan its harmonious proportions. A citizen of Springfield, Illinois, hitherto virtuous and respected, takes up his march across desert and mountain toward the golden land, and tarrying in the vicinity of Salt Lake City falls in with an emigrant train, and being decoyed by the wiles of some sun-bronzed and languishing Delilah departs from the path of rectitude. Years roll by. It is a wild sally of his youth, perhaps repented and forgotten, or, it may be, forgotten without the repentance. But, behold! after all these years complaint is made; a requisition issues; he is taken before a jury selected by a most responsible Salt Lake clerk or marshal, convicted of concubinage, and the next we hear of him he is at hard labor in a military camp, a ball and chain attached to his ankles, suffering the compunctions of an outraged conscience and studying the mysteries of that peculiarly impartial ethical code known as the Cullom bill—a bill whose triumphs will be seen on the deserted site where once flourished a deluded and misguided people.

Section nineteen is better than its predecessor, for it compels all officers, territorial or local, in entering upon their duties to take an oath that they will not hereafter practice bigamy, polygamy or concubinage. Perhaps if such a law had been in operation fifteen years ago, one of the witnesses upon whose musty testimony the committee seem to have relied would not have remained long enough in Utah to have acquired that information on the Mormon question of which he seems to have possessed himself. I allude to Judge Drummond.

The receivers to be appointed under section thirty of this act, who are to take charge of the property of convicted polygamists and divide its proceeds among the former wives, are the only official persons in Utah not required to

take this vow of virtue. The omission is significant, to say the least. Let me call the attention of the House to the absurdity of this thirtieth section. It proposes to confiscate all property of all persons convicted of polygamy for the benefit of their wives. Why, there is no property in Utah save that which depends upon the peace and prosperity of the people. There are no accumulations of wealth. There is no coin to any considerable extent in the country. Lands and flocks and herds compose the bulk of the Mormon possessions. Let there be sixty days of war, and all the property left in Utah would not sell for enough to furnish a week's subsistence to the women in Utah.

Oh, but this bill proposes that the Secretary shall appropriate or expend the sum of \$100,000 for the relief of the forty thousand concubines to be taken from their protectors—about two dollars and a half each! A magnificent appropriation! Enough, with economy, to give them about three days' rations each! And, sir, what will you make of these forty thousand women whom it is proposed by this bill to take from those who now support and protect them? What position will they occupy? Which of you will open your doors to them or invite them to sit by your fire-sides or even labor in your kitchens? The flimsy barrier that protects them from the very depth of social degradation is the fact that they are wives by a custom existing in Utah. It is a pitiable position, but it is better than that of their unhappy sisters whom necessity rather than vice has driven to the streets of your cities and the wards of your hospitals and prisons. Sir, this is not the place to discuss that social evil which keeps pace with the stately steps of civilization, and bears aloft its putrescent glow by the side of her starlit pathway; neither is it the time to legislate for that smaller social evil which excites our attention because it is the only vice which stains a community otherwise most virtuous, most peaceful and exemplary. Take the children of Utah and scatter them homeless and hopeless waifs through the arteries of your great cities; take the women of Utah and place them in the splendid dens that line the thoroughfares of Boston, New York, Philadelphia, Baltimore, and Washington; take the men of Utah, return them to the Atlantic States, and make them casual customers of those whom they now support and protect, and how much will Christianity have gained, how much will society have been benefited, how much will the honor and power of the nation have been vindicated and strengthened?

Mr. Speaker, I do not intend that my position upon this matter shall be misrepresented to my constituents or to the country. I regard polygamy as an evil to be discouraged and a violation of law which should be if possible prevented. I simply doubt the wisdom of the means selected to achieve that result. For the coercion and misrepresentation and fraud with which the Mormons have sometimes sought to carry out their purposes there will come a day of reckoning and repentance. For the murderers of Mountain Meadow the God of justice holds in his hand some terrible retribution. But because of crimes some of that people may have committed in the past, nor yet because of their refusal to obey the laws we have made for them alone, I am not willing to plunge headlong into war. If there be those upon this floor who desire to confiscate the property of these outcasts, who consent to give their men to the sword and their women to the bagnio, and who are ready to meet the just reproaches of a tax-burdened and humane people, they must proceed without my help. I am not willing to look upon the ruin of the great road which forms the keystone of the arch of the highway around the world. I am not willing to destroy the channel through which my people hope to receive the life-currents of empire. I count the cost and I count the result, and I am not willing to pay the price of reaching that result. I will not vote for this bill which will add millions to the debt and thousands to the muster-roll of the nation's dead, and in the name of a people who have burdens enough to bear and kindred enough to mourn, I protest against the passage of this most unwise and ill-considered bill. I yield the remainder of my time to the gentleman from California, [Mr. SARGENT.]

INFORMATION WANTED.—From or of James Lewis, who emigrated to Utah in May, 1864, and when last heard from was living in Salt Lake city. Address Sarah Lewis, Pisgah-square, Talywain, near Abersychan, Monmouthshire, England.

IMPROVEMENT IN BUSINESS, ON WHAT DOES IT DEPEND?

SUCH a lengthened period of stagnation in trade as the one through which they are now passing has probably never before been experienced by the people of Utah since their settlement here. At the commencement of last fall, or about harvest time, it was the expectation of many that trade would brighten, as had generally been the case before, but no such revival took place, and during the winter months times have been duller than usual. Now that Spring is close upon us and good and settled weather may be looked for, there is a pretty general hope among all classes of artisans that a busy time will soon set in. It may not be amiss under such circumstances to enquire into the real causes of the depression in trade and the contingencies upon which a revival depends.

This dearth in business has been ascribed by some to the inauguration of the co-operative system; they have said that such a complete revolution in the basis of trade would require time to get into good working order, and that in the interim general dull times might be looked for. Such a supposition would be more reasonable had the co-operative system being inaugurated in all trades; but seeing that it has yet been tried in scarcely anything but what is termed "merchandizing," it is absurd to suppose that it has brought about this result. The fact is, co-operation in the selling of goods instead of being the cause of tight times has saved this Territory from bankruptcy and the loss of credit. We nearly all remember the time when the amount of imported goods sold by merchants here was not above a tenth of the amount sold now; yet this fact did not, in those times, affect trade in general at all injuriously.

If the dull times so loudly complained of for the last few months were confined to this Territory, the charge laid by the unthinking few at the door of co-operation would seem to be more reasonable; but the same report comes from all parts of the Union. And the secret of it may no doubt be traced to the unsettled condition of the national currency. The constant talk about the resumption of specie payments and the half fear that the payments of debts contracted to-day in paper may in a few months be enforced in specie helps to restrict the business operations of the country to a serious extent; and the present policy of the Government in locking up scores of millions in gold and greenbacks in the national treasury, and thus circumscribing the circulation of the currency, also has an injurious effect. To these causes combined may no doubt be ascribed the present almost unprecedentedly dull times in Utah, as well as other portions of the country.

But the real secret of the matter here can be traced to a very different cause, and that is the changed relations between Utah and the markets of the East—effected by the completion of the Pacific Railroad. The remedy is in the hands of those who are now suffering, that is the business classes, both employers and employed. By the saving of time in transporting and the reduction of the cost of freight effected by the completion of the railroad the wares of the carpenter, the tailor, the tinner and of every other class of artisan can now be imported and sold for as little, in many instances, as was formerly paid for the raw material here. Such being the case we may expect the great majority of tradesmen to be out of work most of their time; for while a door, for instance, made better and of superior material can be imported and sold for four or five dollars it is not to be expected that those here in need of doors will pay ten to eleven dollars for the home-made article. It is the same with scores of other things that might be mentioned, and the consequence is that improvements of every kind are checked and all classes suffer.

The same results are being experienced, in some branches of business on the Pacific coast. Scores and hundreds of artisans there who, a few months ago were busy and in flourishing circumstances, are now similarly situated to the artisans of Utah. Time will inevitably regulate these matters and force the necessary changes; but by taking Time by the forelock much poverty may be averted and the advent of prosperity be greatly accelerated. If all classes of producers will combine and lower their prices so as to compete with Eastern made products, all will gain by the operation, not perhaps in the nominal value of their labor, or