

Assembly gave privileges to companies of men which were beneficial to the country and of which the people never complained. They gave protection to the emigrant wending his way to the golden shores of the Pacific. [Here the hammer fell.]

Mr. DUNNELL rose. Mr. HOOPER, of Utah. I should like to have a little more time.

Mr. GARFIELD, of Ohio. I hope the gentleman from Minnesota will yield to the gentleman from Utah a few minutes longer.

Mr. HOOPER, of Utah. I do not trouble the House often, and I hope the gentleman will give me a few minutes longer.

Mr. DUNNELL. I will yield to the gentleman five minutes more.

Mr. HOOPER, of Utah. I thank the gentleman.

Now, Mr. Speaker, I will state to the House that the first winter I spent in Great Salt Lake City, twenty-two winters ago, the city was little better than a hospital; hundreds of men, women and children lay there sick, arising from the fatigues and casualties of the long and weary journey they had made the summer before. Their great aim was to reach the half-way house between the Missouri river and the Pacific ocean, and no tongue can tell the sufferings they endured in reaching their destination.

Let me say to those who have indicated a strong desire to impress upon the minds of this House and upon the minds of the country that the Mormon people are wicked, unfeeling and brutal, that notwithstanding all the pain that has been heaped upon them, they have ever taken care of the sick and wounded who have stopped in their midst while en route to the Pacific. They have taken them into their houses and nursed them, and have cared for the emigrants in every way possible; and when they have been repaid they have gone forth upon their journey rejoicing in good health.

But let us come back to the main question. There are seventy-five thousand people, sir, from Salt Lake City settled upon the line of this proposed route. Many of these settlements are over twenty years of age. We received grants of lands to build railroads. We built a telegraph line, and we laid our wire out to Salt Lake, over seven hundred miles. The rails we could not haul that distance. But, sir, at the very moment the Union Pacific Railroad reached us we commenced to construct branch roads. And I may say here, Mr. Speaker, that the people whom I have the honor to represent upon this floor to-day helped to construct, by their labor, about three hundred miles of the Union Pacific and Central Pacific railroads.

We invited the Central and Union Pacific Railroad Companies to build a road to Ogden, or, in other words, to pass around from Ogden to Salt Lake City. They however, thought it better to keep north of Salt Lake City. This decision compelled the building of a road from Ogden to Salt Lake City. The charge had been made against us that we did not want any railroad communications. We showed what truth there was in this by building, in ninety days, that road for which this House recognized that organization by that act.

The continuation of that line from Great Salt Lake City it was proposed to construct a road, which is called the Utah Southern. We asked for legislation; but, as you will remember, Mr. Speaker, no committee has been appointed in the House, and the Senate, by resolution, agreed not to legislate except on two or three matters of national importance. I had therefore to go back home without the grant of a right of way, but with the assurance of leading men that if the road was built, it should receive from the Government the right of way for the purpose of protecting the industry and interest of the people. Accordingly the road was commenced, which we are now running twenty-one or twenty-two miles from Salt Lake City, with a roadbed graded nearly fifty miles. It is expected the road will be completed in running order for a distance of twenty miles during this year, and we have it built two hundred miles more in a few years' time, and so open that Territory and let in the light of which gentlemen seem so desirous of shining down upon that people.

Mr. SARGENT. Where does the gentleman propose to have the road terminate?

Mr. HOOPER, of Utah. The intention is to carry it to the southern boundary of the Territory.

Mr. DUNNELL. I now yield for

five minutes to the gentleman from Montana.

Mr. CLAGETT. Mr. Speaker, I have again sought the floor for the purpose of saying a few words in reply to some remarks of the Delegate from Utah. Now, so far as allusions have been made by that gentleman to the Territory of Utah, and so far as all he has said in behalf of the enterprise of the people of that Territory is concerned, I undertake to say, and I say it with no fear of successful contradiction, that there is not one of the other Territories of the Union to-day which has not done all that is claimed for the Territory of Utah, and done it, too, in one half of the time.

Mr. HOOPER, of Utah. And for everything you did you received enormous grants of land, while we have done everything by ourselves without any government aid.

Mr. CLAGETT. I know whereof I speak. I know something of the animus of these church leaders in Salt Lake City. I have not gone there as a member of Congress to be feasted and fêted by these men coming around seeking favors. I have gone there simply as an emigrant driving a bull team, and have seen things which known members of Congress are never permitted to see, if it can be avoided. I went to Salt Lake City in 1866, intending to cast my lot with the Territory of Utah, and the reason why I did not stay there I will state. At the time I was there an ordinary legal question was raised, or sought to be raised, in the courts of the country. This question concerned the legal validity of the trust deeds that were given to Brigham Young as trustee in trust for the Church of Latter day Saints of the Lord Jesus Christ, or, as I am informed, the records at Salt Lake somewhat reverently style him Trustee for J. C. When a suit was about to be brought or was pending, I forget which, in 1866, for the purpose of determining the validity of those trust deeds, a notice was served on the attorneys that if they dared to raise that question in the courts their throats would be cut. Seeing such things as these, I came to the conclusion that Utah was no place for me to stay, or any other person who had a family to rear, and therefore put some value on his life, and I went on my way to Montana.

As regards Utah furnishing a base of supply from which we drew our goods, flour, etc., in the early history of Montana, I will state for the information of the gentleman from Utah that we paid high prices for everything we bought from that quarter, and thus built up his Territory by affording its people a market for their produce.

Mr. HOOPER, of Utah. The articles were sold cheap.

Mr. CLAGETT. And now as regards the question of loyalty, will the gentleman from Utah question the truth of the fact which I now state, that during the progress of the late war, when this government was straining every nerve for the purpose of suppressing the rebellion raging through one half of the country, Brigham Young, instead of giving any help to the government, raised the British flag in Salt Lake City. Ay, and this flag would have been there to-day if Brigham Young had had his will, and if General Pat Connor had not threatened to send a cannon-shot from Camp Douglas through his seraglio if it was not lowered.

Mr. HOOPER, of Utah. I deny entirely what the gentleman has stated.

Mr. CLAGETT. The gentleman may deny it, but it has already passed in history. The supporters of the Mormon system have gone so far, and the gentleman from Utah himself, right here upon this floor, has gone so far as to deny the truth of statements of fact, which are on record in the statute books of the Territory, and which I can produce here in a few minutes, if the opportunity be allowed me. Not only did the Mormon leaders through their control of the Territorial legislature grant to themselves immense tracts of land for herd grounds and other purposes, but they went further. In a country where land is absolutely worthless, without water for irrigation, where without water you can raise nothing more from the soil than you could from this naked floor, Brigham Young secured in himself or his satellites by grant from the Legislature of Utah a monopoly of the streams and water-courses accessible to the people who were settling up the country. They sustained this monopoly by packing the courts, by means of an illegal statute conferring upon the probate judges, elected by themselves, concurrent jurisdiction with the district courts in all

cases in chancery and at common law, thus practically but completely ousting from the exercise of their jurisdiction the courts established by the United States.

Mr. HOOPER, of Utah. The reason why we gave this power to the probate courts was because the Federal judges had all left the Territory.

Mr. CLAGETT. The judges had left the Territory, had they? Why did they leave? It was because they were driven out by the hostility of the Mormon leaders, and had the best of reasons to believe that their lives would be in danger should they remain. The gentleman is estopped from setting up the fact of their leaving as an excuse for this unwarrantable usurpation of power in seeking to confer upon inferior courts powers which had been denied them by the organic act of the Territory. Not only did the Mormon leaders usurp this power, but they even carried their settled hostility to the Government to such an extent as to deny the legal validity of the Territorial Legislature itself, as evidenced by the custom which prevailed of the members of the Legislature meeting (after the transaction of their legislative duties) as members of the mock Legislature of the so-called State of Deseret, and solemnly confirming the territorial statutes which they had previously enacted.

Having thus packed the probate courts in their interest to exercise plenary powers of jurisdiction over all questions arising for adjudication, they defied all possibility of hostile immigration into the Territory; and any man who, relying upon the land laws of the United States, dared to settle upon the unoccupied lands covered by these empty legislative grants, was speedily sued in ejectment brought in the probate courts, and by the swift judgments of these courts ousted from possession without the faintest possibility of redress.

One might think that there was nothing more in the line of usurpation and oppression which they could do; but sir, there was still one more step which they could take, and they promptly took it. Not content with a Legislature composed entirely of Mormons granting away the public domain to church dignitaries without stint; not content with courts illegally clothed with plenary powers and pledged by the very character of their organizations to uphold all of these usurpations, for fear that they had not yet got the ligaments of irresponsible power sufficiently tightened around all of those principles of equity and law which constitute our common and most precious birth-right as American citizens, principles which are the ripened product of the ablest and purest legal and judicial minds of two continents, and which represent the perfected wisdom and justice of a thousand years—for fear, I repeat that a few straggling rays of light emanating from these grand old principles of the common law might still penetrate into the darkened chambers of the temples of justice, they passed a statute making it a penal offense for any lawyer to dare to quote in any of the courts of the Territory any law-book as authority in any judicial proceeding except the delectable and immaculate statutes of Utah.

Mr. DUNNELL. I will yield the remainder of my time to the gentleman from Ohio [Mr. Stevenson] who is a member of the Committee on Public Lands.

Mr. STEVENSON. How much time is left?

The SPEAKER. There are eighteen minutes of the hour remaining.

Mr. STEVENSON. Then I yield three minutes to the gentleman from Utah, [Mr. Hooper].

Mr. HOOPER, of Utah. As I have before remarked, it has been considered popular whenever a certain result is to be arrived at to draw attention in the opposite direction by cries of "heresy," "Mormonism," and "polygamy." Why sir, I consider it an insult to this House to make such appeals. Is there not judgment, is there not sense enough, yes, common sense enough here, to enable gentlemen to understand the motives of men? I ask gentlemen if potatoes grow spontaneously from the ground, if fruit trees grow spontaneously and yield their fruits without culture, if houses spring up in the night time as mushrooms do; or in other words, I ask who has planted the foundations of wealth, material industry, and permanency of civilization in the heart of this continent but that people at whom the shafts of venom have to-day been cast upon this floor? Sir, I appeal to any unprejudiced man on either side of this House, who has visited that country, to stand by me in saying that perhaps a greater achievement in the face of obstacles and obstructions never has been accomplished by any people of which history treats.

I have alluded already, sir, as an answer to the charge of disloyalty against the people of Utah, to the fact that in an hour of trial to the country they responded under circumstances than which no more difficult can be imagined; they left their wives and children in the wilderness surrounded by savages, and exhibited their devotion to the Government in the most loyal manner. I allude to this simply to bring me back to a charge which the Delegate from Montana has ungenerously urged, to the effect that a flag of Great Britain was unfurled in Salt Lake City. I pronounce that statement to be untrue from beginning to end. Sir, the flag of that government of which we form a part we first raised in that country when it was a

part of Mexico, and we have always honored it as the emblem of freedom, by which we always expect to stand.

[Here the hammer fell.]

Mr. STEVENSON. I yield for a moment to the gentleman from Massachusetts, [Mr. Hooper], who wishes to make a personal explanation.

Mr. HOOPER, of Massachusetts. I desire to say only that I do not concur with the gentleman from Utah in his admiration of Mormon institutions, and I say this that his speech may not be attributed to me, as on a former occasion. [Great laughter.]

Mr. STEVENSON. I must now resume the floor.

Mr. HOOPER, of Utah. One word to my friend from Massachusetts. This is not the first time—

The SPEAKER. The gentleman from Utah is not entitled to the floor.

Mr. STEVENSON. I yield two minutes to the gentleman from New York, [Mr. Potter].

Mr. POTTER. Mr. Speaker, this bill proposes to grant the right of way through the public lands to this railroad company. It is a bill, therefore, because the public lands in question lie within the Territories of the United States, entirely within the power of this Congress to enact. But it is, beyond that, a bill to incorporate a railway company, and Congress has already given to these Territories through which the line is to run power to create such corporations themselves. The difficulty of Congress acting intelligently on any bill of this description is exemplified by the discussion on this very measure this morning. We know, and can know but little about such remote localities, and little about what the effect of such charters there may prove to be. And we have just had a discussion between the gentlemen from the different Territories through which this railway is to run, in which they directly antagonize each other, and are at direct issue upon a question which the Legislatures of these localities could best determine. Besides this general objection to such legislation, the gentleman from Utah tells me that one special objection to this bill is that under it a line may be located through certain passes, many of which are not more than two hundred feet wide. So that the company that gets the first charter will be able by thus locating its line to maintain a virtual monopoly of the route between the two termini of this road. And it is particularly to be observed further that this bill, so far from determining that the road shall be at once built, gives to these favored incorporations five years in which to begin the work. Now, if these grants of incorporation are so valuable, such monopolies, that people must associate themselves five years in advance of the time they propose to begin their work, and come here to get their favor by our legislation, it is time we stopped granting them. I wait, therefore, to hear from somebody familiar with the facts of the case why this bill granting these rights at this time should pass.

Mr. STEVENSON. I regret that any feeling should be mingled with this debate. There is no occasion for the friends and the opponents of the peculiar domestic institution of Utah to join in a struggle over this bill, and I trust that this House and the country are not to be divided and convulsed over this remaining "twinkle" of barbarism as they have been over that which is dead. Why, then, this opposition? It arises not directly from the institution which the gentleman from Utah (Mr. Hooper) so ably represents and defends, but it comes from that system of monopoly which has been established by the hierarchy of Utah, which is a greater and more formidable antagonist, and may prove more lasting than that immoral institution which excites so much attention.

Mr. STEVENSON then quoted from the statutes of the Territory providing temporary control of land, timber, and water and bridge privileges, and thus continued:

They also control public roads, and now they propose to monopolize railroad routes.

In the statutes of Utah Territory I find the act intended to be the gentleman from Montana, [Mr. Clagett] by which it is made a penal offense for any person to quote in a court in Utah any law-book or authority other than the laws of Utah. Here is a great overshadowing system of monopolies protected by penal statutes; and now when people who do not happen to live there and to belong to that hierarchy ask the right to build a railroad, not in this Territory alone, but through this Territory and the adjoining Territory; when they want to take capital there, and make an outlet from one great Pacific railroad to the other through two great Territories, we are met by this hierarchy, who having built a few miles of road say that nobody else shall build another road running in the same direction.

Mr. HOOPER, of Utah. Have I said anything of that kind?

Mr. STEVENSON. The committee have agreed that this bill shall not affect the right, whatever it may be, of the Mormon company which has already built a short line, intended to anticipate this. We have agreed not to interfere with that company, not to touch its rights in any way. We agree to keep our hands off them; why can they not keep their hands off other people? I do not propose to interfere in Utah. I would not touch in untidiness "a hair on the crown of the head" of the gentleman from Utah. [Laughter.] I do not propose to interfere with a peculiar institution. If he want a hundred wives, I do not envy him the luxury; one is enough for me! [Laughter.] I do not now propose to interfere with any of those matters; but I do say, in the name of the people of this Union, that while we do not interfere with Utah, Utah shall not interfere with us. She should understand that she is within the Union and subject to our laws, and that she cannot obstruct or impede the progress and development of the country.

[Here the hammer fell.]

Mr. HOOPER, of Utah. Before the gentleman from Ohio [Mr. Stevenson] takes his seat I would like to ask whether he does not—

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. STEVENSON. I hope unanimous consent will be given to admit the amendment of the gentleman from Utah in regard to the canyons. I think it ought to be adopted.

Mr. DUNNELL. I have no objection.

The SPEAKER. If there be no objection, the amendment of the gentleman from Utah [Mr. Hooper] will be considered as agreed to.

M. McCORMICK, of Missouri. I ask that the amendment be read.

The Clerk read as follows:

Concluded on last page.