

is a less average farm acreage than in any State or Territory in the Union. But this average, shown by the census statistics, is not a fair indication of the general distribution of the landed proprietorship of Utah. The far greater number of proprietors are, in extent of area, less than 25 acres. An intelligent member of the British Parliament, who spent a great deal of time in Utah, carefully investigating the condition of the people and the resources of the Territory, stated in an article published in the *Nineteenth Century* that of the great bulk of the population at least 90 per cent were the owners of homes."

Mr. Caine then took up the school question, and refuted the statements of Mr. Ferry that the district schools are "Mormon" schools and that religious tenets are taught therein, and also that no Gentiles were ever employed as teachers. As to the holding of religious meetings in them, he showed that in early times the people built meeting-houses by donation, not taxation, and used them for a double purpose, as they had a right to.

Mr. Mansure of the committee here said: "This has been a common thing in Missouri all my life, very common."

Mr. Caine proceeded to explain how respectable ministers of all denominations had been permitted to occupy the Tabernacle and other houses of worship, as an offset to Mr. Ferry's assertions about "Mormon intolerance." He then said:

"The records of the land office show that there have been, since its opening in 1869, 8157 homestead entries for a total acreage of 10,002,998 acres, and 11,058 pre-emption filings for 1,328,520 acres; cash entries numbered 3297 for 323,829 acres, and desert applications 2573 for 508,388 acres; timber culture 1051 for 127,866 acres; a total of 23,134 entries and applications for 12,809,551 acres. There was no surveyor-general in Utah until 1855."

Mr. McBride wishes this committee to believe that these lands were parceled out to the people by the bishops. There is not a lawyer in Utah who does not know this to be untrue. The land there has been entered and titles obtained by the holders from the government through the United States land office as elsewhere. And here let me repeat what has been explained many times when groundless charges have been made like those chestnuts of Mr. McBride, that the "Mormons" regarded themselves as the proprietors of the soil and that certain grants were made by the legislature to Brigham Young and others. When Utah was first settled the lands had not been surveyed by the government. Until they were brought into market possession rights had to be defined and established. This was all that was done or claimed to be done. When the lands were open to entry they had to be purchased of the government, but the *bona fide* occupants had the first claim. Adventurers in some instances tried to jump these claims and of course were re-

sisted, but not in the way they were resisted in many parts of the great west, where such nefarious efforts have been silenced at the end of a rope. It is absurd to state that the removal of old survey stakes which were trampled out of place by stock or pulled up by Indians were purposely removed by the 'Mormons,' for they had an interest in preserving the lines of these surveys. They were anxious to obtain titles to their lands. As to the canyon grants to the persons named, they were but temporary, like all other arrangements of that kind, and were absolutely necessary for the benefit of the people. For instance, Brigham Young expended thousands of dollars to open a road up City Creek Canyon and keep it in repair, so that the people might be able to reach the fire wood and timber in the mountains, the only places where it could be obtained. There was no coal discovered then, and the canyons were their only source of obtaining fuel. Brigham Young was secured in the control of the canyon during that period, and a toll of so much of the wood and timber brought down was permitted to repay him for his personal outlay. Every one of these grants expired when the lands were placed on the market by the government and thrown open to public entry. So much for all that nonsense about the "primary disposal of the soil." I have known Brigham Young to expend from \$3,000 to \$5,000 a year in keeping that road in repair. It was frequently washed out in the spring by freshets."

Statistics were then given of the products of Utah, the railroads, the mineral and other resources, its system of irrigation, etc., and he then entered upon an elaborate argument to show that when the people in any locality in the United States have sufficient population, they have a right to become States providing they establish "a republican form of government." He said:

"It cannot be doubted that this right of local community self-government was, at that period, and during the years immediately following the establishment of our constitutional government, held in such high esteem that it was generally conceded that a considerable body of people inhabiting a Territory could not be rightly deprived of admission to the Union and statehood. It is unquestionably true that in more than one instance the people settled in certain districts exercised what they deemed to be their inalienable rights, and formed and set in operation State governments, and demanded admission for their Senators and Representatives to the Congress of the United States.

"The power of Congress to determine for itself the qualifications of membership was, of course, not disputed, its constitutional rights in this respect being absolute, but the right of a great body of citizens of the United States to local community self-government was most strenuously contended for and was practically yielded in one or more cases."

This point was fortified by quotations from Madison, Macon, An-

drew Jackson, Buchanan and others, and the cases of Michigan, Tennessee, etc., were given as examples. The origin of the principle of local community self-government was traced back into ancient Germany and the speaker said:

"The clearly defined right of a considerable body of the American people, who go beyond the boundaries of States to find homes in the wilderness, to provide a republican form of government for themselves, has, I repeat, always been recognized. Statehood is something more than a boon Congress is empowered to bestow. It is a right inherent in the people. To deny this proposition is to deny the great fundamental principle on which our government is founded; nay, more, it is to deny that men are capable of self-government. I do not ask for any more cogent arguments in behalf of the right for which I am contending for the people of Utah than those which the majority of this committee have advanced in behalf of the people of Dakota. I refer to the comments on the power of one man, the Territorial governor, to virtually control the whole machinery of government in that Territory. The same is not only true in Utah, but the power of the one man there is still more absolute. The Governor of Utah has an absolute veto."

The origin of a large number of the people of Utah was shown to be from the New England States, and the journey of the pioneers and their placing of the flag on Ensign Peak were described, and he remarked:

"Mr. McBride, who acknowledges himself to be one of the anti-Mormon agitators, endeavors to impress this committee with the idea that Utah was already a garden spot, prepared by nature for easy occupation, and so humid that the morning dews soaked the shoes of the mounted traveler. There is no fact better known than that it was an arid, rainless region, and that without irrigation agriculture was an impossibility. What the country was when the 'Mormon' pioneers first stepped upon the parched and treeless soil can be seen in less than an hour's drive from Salt Lake City, where the sand and sagebrush on broad expanses of non-irrigable land attest that wherever streams can not be conducted desolation reigns and nothing can be produced for human sustenance."

Here ensued a colloquy between Mr. Caine and Mr. Baskin, with Delegate Dubois interjecting remarks, claiming equal credit for Idaho people with the Utah pioneers, but it was shown that the work of the latter made it possible for the former to exist in that region. Mr. Caine went on:

"But Mr. Ferry has told you that the enlistment of this battalion was to help the 'Mormons' on their way to the great West. Indeed, it is quite likely that the promoters of this scheme represented the matter in that light to the President of the United States. But the 'Mormon' people were in an Indian country.