

happy a government as under the reign of the judges, from the time Moses led them out of Egyptian bondage until they clamored for a king. For 430 years they triumphed over their foes, and they dwelt in peace and unity, and love and freedom existed, and every tribe was a commonwealth managing its own local affairs, while they all sustained a central power which counseled and directed them; and their rulers were judges inspired of God, were prophets, seers and revelators, who judged in righteousness, and exercised no control over the liberties and consciences of men. The same principle is observed in reading the history of the American continent. The Book of Mormon is replete with testimony in this direction. And during the palmy days of the Nephites there was no king among them; and that long and happy period that preceded the coming of the Savior, and for hundreds of years that followed during the reign of the judges among the Nephites, liberty and freedom and happiness prevailed. And although they had at one time in accordance with their pronounced and persistent desire, a king—King Benjamin and King Mosiah—yet, these were kings more in name than in fact; they were only patriarchs or fathers among their people, and the term they apply to them might quietly have a tendency to cause them to augment power to themselves and to exercise oppressive jurisdiction over the people, and foreseeing this King Mosiah beseeched the people to abolish the office, and establish and maintain free government, and elect their chief judge or governor by the voice of the people. He reasoned and explained to them the dangers which would result to them by having a ruler who was not elected by the people. When Israel began to fall into darkness and transgression, in the days of Samuel, and they clamored for a king to lead them to war and thus be like the Gentile nations around them, it grieved Samuel the Seer to his heart; and he besought the people to desist from their determination, and he warned them of the dangers that would follow, telling them that it would lead to oppression and tyranny, and that taxes would be levied and heavy burdens would be laid upon the people grievous to be borne, and that it would finally lead to war, bloodshed and bondage. But they would not listen. And when the prophet inquired of the Lord what he should do, he answered and said to Samuel: "Hearken unto the voice of the people in all they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them."

Furthermore, the Book of Mormon tells that God will cause a free government to be established upon this land in the latter days, and inasmuch as the people will serve the Lord they shall forever be a free people. And in the Doctrine and Covenants is contained a revelation which was given to the Latter-day Saints in the early history of the Church, commanding us to uphold and maintain the principles of freedom and liberty, as a few claimed by our fathers and consolidated in the Constitution of the United States, and in which is written this remarkable declaration: "Let no man break the laws of the land, for he that keepeth the laws of God has no need to break the laws of the land;" and we are further told that we should uphold and maintain that law which is the Constitutional law of the land; for, the Lord said, the Constitution was established by wise men whom He raised up for that purpose, after the land had been redeemed by bloodshed. This doctrine was taught by the Prophet Joseph Smith in the early days of this people, and cannot be separated from the religion we have embraced; and by the help of the Lord we mean to maintain these principles to the end, notwithstanding that some of our American statesmen wax wanton in their feelings and tyrannical in their acts and expressions, while religious bigots and political demagogues are undermining the foundations of our American institutions. They commence to-day upon Utah; but it is not the first time. From the time the declaration was made in Philadelphia by the republican party there have been diverse detractors from those principles embraced in our American Constitution. Had the people of America listened to the voice of the Lord through the Prophet Joseph Smith, they would have long since freed their slaves in an amicable, an hon-

orable and economical manner without the shedding of blood. But they disdained the counsels of the Lord. The Prophet Joseph published his views in pamphlet form on the powers and duties of the national government on the then much-mooted question of slavery, in which he treated upon the compact of the United States as between the North and South on this question of slavery; and proposed an easy and honorable plan of settling the question without violating that compact or encroaching upon the rights of each other; and that was, to negotiate with the Southern States for the gradual emancipation of their slaves, the consideration to be met by the national treasury, and fixing a time after which all children should be born free, thus providing for a gradual emancipation, and that they might not feel that they were robbed, and by their being gradually emancipated they would have been prepared gradually for free government and free labor, and thus the ill and unpleasant consequences would have been measurably averted, at least, of turning loose a horde of uncultivated people, who were totally unprepared for American citizenship. Had they listened to this proposition less than a tenth part of the cost of the war would have freed all the slaves, and that too without bloodshed, the utter devastation of the Southern States would have been avoided, and a million of human lives would have been spared.

But we have seen it. And following the war has been inaugurated an era of degeneracy in public morals, degeneracy in politics and religion, a degeneracy in the minds of our statesmen which has shown itself in a desire on their part to tamper with the sacred rights of man, to tamper with every part of the government, not even excepting the Supreme Court, which, up to the time of the civil war, was looked upon by the American people as almost beyond temptation, and beyond the probability of being corrupted or bribed. But alas! the Supreme Court itself has been tampered with. And for many years, almost from the commencement of that effort to break down the barriers of the Constitution and to settle this vexed question of slavery by violence—from that time politicians have sought to sustain themselves in violent, revolutionary and unconstitutional measures by foisting into the Supreme Court partisans who are already imbued with extreme political notions and ideas, who carrying them with them on the bench, has resulted in many decisions which after ages will greatly deplore and point out as the stepping stones to the destruction of our free institutions. But it remains for the Congress of the United States in 1882 to strike the blow at human freedom which places a vast people who have enjoyed their freedom in part only for 35 years in these mountains, at the disposal of a returning board to be sent here by the President. This is the object of the Edmunds bill. Its framers, its advocates and supporters scarcely expect anything from it toward the extinguishing of polygamy; but they do expect from it the transfer of our flourishing Territory into the hands of the enemies of the "Mormon" people. And they expect to disfranchise whom they will, and decide who may vote, and who may hold office, who may become members of the Legislature, etc., and vice versa; and then dictate what laws they shall make, and then dictate how the people shall be taxed to pay their salaries and expenses, unless, forsooth, Congress shall, according to the recommendation of President Arthur, reconsider that part of the law and make provision for their salaries.

It is not my purpose to attempt to fortell the consequences of this class of legislation. We shall all see for ourselves; but if our neighbors, our Gentile friends can stand it we can; and if our nation can stand it we can; and if our statesmen and the people who elect them and countenance their acts can stand it we can; and if merchants, miners, bankers, agents, speculators, etc., among us can stand it, we can. If the taxes should be doubled up, and burdens put upon the people, and they can stand their share of it, we can stand ours, because we are used to it, and they are not. If they can confine themselves to one woman I know we can. (Laughter.) The proof of the pudding, you know, is in the eating. We do not intend to be worried; we have al-

ready passed through many very trying places, and we still expect to find an outlet. I am reminded often of our experience when traveling through some of the narrow gorges in our mountains; it often appears that our road has come to an end against a mountain, but when we get close up to it, we find a turn, and we keep traveling; and this is sometimes often repeated in a day's travel, until, at last, our road opens out and a broad, beautiful valley is in sight, which never fails to bring feelings of relief to the weary traveler, especially if he is not familiar with the road. Such has been our experience in the pilgrimage of life up to the present time, and we confidently expect that He who has led us, through His holy Priesthood, will continue to open up our way, and He will do so if we keep our covenants with Him. Amen.

UTAH CONTESTED ELECTION CASE.

(Continued.)

Mr. Horr said:
Mr. Speaker: It is not my purpose to take up the time of the House with any general discussion of this question. I can state all I wish to say on the subject in a very few moments. I shall vote against seating Mr. Cannon as a Delegate from Utah, simply on the ground of ordinary common decency. He comes here before us and states unequivocally that he is living in open notorious violation of law. In direct violation of the solemn enactments of a former Congress, with a total disregard for the common usages of modern civilization, unmindful of all the pure and ennobling principles that should adorn the society of this country, he states that he is living with three or four different women and raising a family of children by each one of them. What more do members of this House wish to know of any man? For myself, after such an acknowledgment, I shall not bother my head about constitutional law. I shall puzzle my brains over no legal quibbles. It makes no difference to me whether the same law applies to Delegates that obtains as to Members or not, I simply won't vote to seat any man in this House as Member or Delegate, who thus comes and flaunts his soiled garments in our faces. It makes no difference to me that he comes trying to cover his shame under the guise of religion. The inspiration dodge is too thin to cover that kind of iniquity. Neither the bullet of the assassin nor the lust and lechery of the lascivious can be in that way hidden from the sunlight of day. The cry of religious toleration, of freedom of conscience, has no application in this case.

Let us suppose, to illustrate this matter, that some man should be elected a member of this House from some district, and the charge should be made against him in the press of the land that he is a murderer. When standing here at the bar of the House, suppose some member should object to his being sworn in and should confront him with the charge. And in reply he should say, "Yes; I kill people. I belong to a church that believes in killing and eating people. It has been my practice for some time past to murder and devour my neighbors. I know it is in violation of statute law, but my church has 'new light' on this subject. I know the Gentile world call us murderers, cannibals, but they do this on account of their lack of inspiration. It is one of the ways we have of worshiping." And you must not forget that there are tribes of men still living who slay and eat their fellow men simply as a religious ceremony. Now, is there a man here who would vote to seat such a monster? Would our Democratic friends, who are so noted for their constitutional convictions, commence their usual worn-out phrases on the much abused instrument in defense of that kind of religious liberty, the right to kill and eat one's neighbors. Of course not a man in the sound of my voice would do anything of the kind. Still, every argument used in favor of seating Mr. Cannon would apply with equal force in favor of seating that kind of a man. This plea for freedom of conscience, religious liberty, all this hue and cry, applies with just as much force to the one case as to the other.

Can any man afford to worry his brain or waste his time investigating and debating such a case? Far from it. Life is too short and time

too precious to be thus wasted. Hence it is I say, Constitution or no Constitution, law or no law, I will never vote to seat such a man in this House. It seems to me an insult to ask that such a thing be done, and a waste of time to debate such a proposition.

If there has been any thing for which I have admired the average Democrats of the past, it is for their ability to swallow disagreeable doses, to gulph down without winking or blinking any mixture prepared and offered them by their leaders. I am just now watching with great interest to see if they drain this cup with smiling faces. You, gentlemen, can do so if you will; I utterly refuse to taste or even touch it. I too have an inspiration on this subject. After these election cases were taken up yesterday a communication, clear and distinct, came to me, and I trust it came too from the skies. This is what it said: "In voting to seat or unseat members drop politics, and see that only such men receive your support as themselves received the majority of votes actually cast at the polls."

That closed the Campbell end of this controversy at once. The next celestial utterance was this: "Do not permit any man to cover up assassination, lust, or lechery under the plea of inspiration. That kind of afflatus never comes from above. Men who claim that it does are always frauds."

And thus ended with me the Cannon part of this case. Thus you see the gentleman from Utah and myself approach this subject from a common standpoint. We are both impelled by an outside force, have both received "new light." His inspiration leads him to violate law and live in a harem. Mine compels me to see to it that all such impostors are kept out of Congress. Neither of us believe in arguing the case, because we both admit that inspiration speaks with authority; that where it begins debate should stop. Hence he and I can have no quarrel, for surely, while he claims such immunity on account of the recent revelations made to himself and the "Latter-day Saints," he will permit me to be governed by [this supernatural light that so surrounds and compasses me about. Of course to me it is gratifying to see that in this case reason and revelation, common sense and inspiration seem to run in such parallel lines. But to Mr. Cannon I have only to say, that having received this "new light," my conscience compels me to follow it. (Laughter and applause.)

Mr. Moulton said:
Mr. Speaker, if I can have the attention of the House I shall be able to think to state in a very short time the views which I entertain. I shall confine myself exclusively to what I conceive to be the points in the case, and to the law and the Constitution that apply in this case. A very wide latitude has been indulged in by gentlemen who have preceded me in this discussion, some of them, as I think, not touching a single point that is really involved in this case. For instance, my friend from Pennsylvania [Mr. Beltzhoover] and my friend from Wisconsin [Mr. Hazleton] occupied most of their time in discussing a proposition that has never been contended for by the minority of the committee, that is not contended for by me, and has been admitted by everybody for the last ninety years, that there is a difference between a Delegate from a Territory and a Representative from a State. No person, so far as I know, has ever denied that proposition. It is distinctly admitted in the minority report; and more than that, one of the main arguments of the minority upon which they rest their conclusions is the fact of that very distinction. Therefore I say those gentlemen have spent their time in elaborating a proposition which I shall not seek to controvert. I admit there is a difference between a Delegate and a Member of Congress; and I shall endeavor to show the application of the law in reference to this distinction.

Mr. Speaker, this case comes here precisely as every other election case comes, and it should be treated in the same way. It comes here under the law. By the order of the House it was referred to the Election Committee. That committee has made a report. Let me say further to gentlemen on both sides that this case is governed by the law and rules of evidence applicable to it, precisely in the same way as any other election case. Applying the rules of law to the facts in the case, as I hope to do, it seems to me that no lawyer can hesitate for a

single moment as to the right of Mr. Cannon to a seat in this House.

My friend here from Michigan [Mr. Horr], say that he does not propose to trouble his brain about the Constitution or the laws. If it is only stated to him here, or he knows, that a man presenting himself for admission is a polygamist that settles the whole question with him, without reference to the Constitution or anything else.

On the other hand, my friend from Tennessee [Mr. Pettibone] makes the admission that if Mr. Cannon should come here as a Representative from a State, although covered all over with the infamy of polygamy, he would be bound to vote to admit him among us. There is the difference between the two gentlemen. The gentleman from Tennessee holds that he would be bound under the Constitution and laws to admit Mr. Cannon if he presented himself as a Representative from a State. I say, too, that he would be bound to admit him, as polygamy is no disqualification under the Constitution; and I hope to show that the same rule, the same law, is just as obligatory upon this House with reference to the rights of a Delegate as the rights of a member. If I succeed in showing this, I hope that my friend from Michigan will reconsider the declaration he has, I hope, too hastily made. I shall omit much that I had intended to say, because I do not desire to weary this House. I shall only discuss what I consider the legal points that are involved in the case.

Now, I wish to call the attention of the House to the fact that since the formation of this government—at least since the case of James White, in 1794—delegates have been seated on this floor, and in the language of Madison in that case, under the rules of the Constitution and the laws, and as a matter of absolute right. James Madison, then a member of Congress, and other distinguished men who had been in the convention that framed the Constitution under which we now live, all conceded, although there was then no law of Congress providing for the admission of a Territorial Delegate, that Mr. White had a right on this floor as much as any member, under the ordinance of 1787, passed prior to the adoption of our present Constitution, and obligatory at that time upon the Government by adoption. From that time to the present moment, whenever a delegate has presented himself at the bar of this House, there has never been a question about his right to a seat here under the law and under the Constitution as much as a member. The books before me are full of cases recognizing the absolute right of a Delegate to a seat. I will not refer to these numerous cases which so fully recognize the right of a Delegate to his seat upon this floor. These cases and precedents are predicated upon the great fact of right, the absolute right of a Delegate under the law to a seat.

Under the present law relating to Delegates from the Territories it is provided that the people of the Territories shall send delegates who shall have seats on this floor with the right to debate but not the right to vote. This law was passed by this House and the Senate and signed by the Executive. It is absolute in its operation. It confers a right which this House alone cannot curtail or limit in any way whatever, as I think I shall be able to show.

Allow me to say further in this connection that under the operation of the law it is provided in various statutes of the Federal Government that Delegates shall be treated precisely the same as members in reference to every right except that of voting. It gives them the same salary. They take the same oath. The same law applies to both in reference to vacancies. So on through the catalogue of the rights of both members. The law that gives a member the right to be seated here applies equally to a Delegate from a Territory.

There is another proposition I wish to call to the attention of the House, and ask the consideration of the distinguished chairman of the Committee on Elections, the gentleman from Indiana, [Mr. Calkins] to this point when he comes to the reply in the closing hour. It is this: Congress has passed a law by which the Constitution and the laws of the United States so far as they are applicable shall apply to the Territories. The law binds as much as any statute made by Congress under the Constitution. It has never been challenged till now, and has been executed and practiced upon, and especially as to qualifications as to