I do not understand why it is that democratic senators are so sensitive on this subject; neither can I understand why it is that persons in favor of female suffrage will come to the Capitol and defend the right of suffrage being given to the Mormon women when it is not given to others. I do not mean that they advocate that Congress should do it, but advocate that we should not undo it, inasmuch as they have that right there. There is no one, either man or woman, in the Territory of Utah or elsewhere who belongs to what is commonly known as the Church of the Latter-day Saints, or, as we commonly understand it, the Mormon Church, high or low, rich or poor, young or old, who is not directed and who is not made obedient to the dictates and mandates of the head of the church. No person has ever been allowed to hold an elective office in the Territory of Utah, where they had the power, who did not hold it *from the Mormon* Church, and no one else can hold office there because of the power of that church. There never has been for centuries the exercise of the power of any church, in this or any other country, that has been so potent where it exists, according to its numbers, as has been the influence and power of the Mormon theocracy.

Because of the power that is exercised and the influence brought to bear on those people, I shall vote to strike suffrage down in Utah, so far as it applies to females; but the Senator from New Hampshire [Mr. Blair], and the Senator from Massachusetts [Mr. Hoar], ask why not strike suffrage down altogether and let no one vote in Utah if we desire to apply this principle? There is nothing in that proposition in this connection. We are striking at the power of that church over the people in sustaining crime, at the power of that church as its influence is brought to bear against the laws of this country, against the institutions of this country, against the enforcement of the laws of this country, inasmuch as the act that we have passed heretofore does not go far enough, I am, as I said, willing to go to any length within the Constitution of the United States for the suppression of this crime and abomination in the eyes and face of civilization.

Senators may quibble as much as they have a mind to do, when they dimit the constitutionality of this proposition and oppose it they can not escape the logic of their position, which is to indirectly defend Mormonism. If this objection should fail some other objection would be found. The proposition introduced by the Senator from New Hampshire (who is absent now from his seat) to repeal the law that was passed at the last session of Congress and to make it apply only to those who are convicted is in the direction of supporting Mormonism, with all its enormities, as it exists in Utah.

The proposition that has been voted down and the suggestion of the Senator from Massachusetts are in the direction of protecting these people in their unlawful and irreligious and immoral practices, as they are only sustained by their power with the ballot. I do not mean that this is the intention of the Senator, but this is the effect. Their practices are crimes against the laws of the United States. They are crimes against the moral sense of every civilized people on the face of the globe, and these crimes are perpetrated under the claim of religion. I do not propose by consent or act in any way to assist in covering the worst of crimes by allowing them to be done under the pretense of a misnamed religion. I would rather tear off the mask from these lawbreakers, that they might be exposed and punished.

No man can be justified in this country in not supporting propositions that tend to extirpate and cut out by the roots this evil. I supported the bill of last session with great earnestness, and I support this one with the same desire for its success that I did the last. I believe it is a step in addition to others taken in the right direction in grappling with this infamy, this crime, this scandal, this disgrace upon our country. And can it be said that Congress and all the power of the government is not sufficient to suppress and destroy this infamy? Sir, if I had the power I would make universal destruction of it at one blow.

[Mr. Call addressed the Senate. His speech is reserved for revision, and will be published hereafter.]

Mr. Ingalls. Mr. President, let the section that is proposed to be stricken out now open to amendment?

The Presiding officer (Mr. Morgan in the chair). The section can be perfected before the motion to strike out is put.

Mr. Ingalls. I move to strike out, in line 2, the word "the" and insert "any," and to strike out the word "Utah," in the same line, and insert "the United States," so as to read:

That it shall not be lawful for any female to vote at any election hereafter held in any Territory of the United States for any public purpose whatever, &c.

Mr. Edmunds. I hope that will not be done, because I do not wish, in charge of this bill, nor do the committee wish to open the general question of female suffrage, but to apply this provision to the necessity of the case in hand, to emancipate these poor females from the slavery in which they now exist about voting.

The Presiding Officer. The question is on agreeing to the amendment of the Senator from Kansas, [Mr. Ingalls].

Mr. Ingalls called for the yeas and nays, and they were ordered.

Mr. Brown. Mr. President, I am opposed to female suffrage, and if the question were submitted to the voters of Georgia, while I have a right to vote, I should vote against it; but I believe in the doctrine of local self-government; and I believe that either State or Territory that desires female suffrage has a right to have it. While, therefore, I would vote against it in my own State, I will not vote to deprive any other State or Territory of the right to have female suffrage, or to prevent its exercise in that State or Territory if the laws of the State or Territory justify or establish it there. Therefore, I shall vote against the amendment of the Senator from Kansas, as I would not prohibit it by law in any Territory.

Mr. Jones, of Florida. Mr. President, I do not know that we can reach a vote on this bill to-night, but, after all, the question under this bill is what it was at the last session. Some of the details of it I do not entirely approve of. It raises the great question as to the supreme authority that has the right to control the Territories of the United States. It is not a new question at all; it has been here time and again, and I am on record, as far as this question is concerned, in support of the authority of the Union to control in the exercise of its wisdom the Territories of the United States. I do not say, and I have never said that those inchoate communities that are lying out are in the condition of States and that they have the same rights and privileges that the people of the States possess, notwithstanding I put myself in a position of antagonism to some able legal reasoners on that subject.

I said when I was on my feet last session that there was no Territory in the Union that was controlled in a more arbitrary way than the Territory of Florida under one of the wisest administrations that ever existed in this country, and I had occasion to refer to one of the early acts of Congress making provision for the government of that Territory, not for the purpose of showing the wisdom of it but for the purpose of vindicating the power which upon all hands was admitted to reside in Congress over the Territories. Take for instance the act of Congress approved March 30, 1822, making provision for the government of the Territory of Florida when Mr. Monroe was President, when in the Senate of the United States were found the ablest men who were ever here, Calhoun, and all the great minds we are in the habit of following in matters of this kind.

What did that act say? It said this, as I cited it before, to show the claim of power put forth at that early day by this government with respect to the Territories:

That the legislative power shall be vested in the governor and thirteen of the most fit and discreet persons of the Territory, to be called the legislative council; who shall be appointed annually by the President of the United States, by and with the advice and consent of the Senate, from among the citizens of the United States residing there.

I will read no more. There was not a thoughtful man in this country at that time who denied to Congress the power to do that thing. Congress gave the entire legislative power over that territory to thirteen discreet citizens not elected by the people of Florida, for the territory had been annexed to the United States but a little while before, but to thirteen citizens appointed by the President and confirmed by the Senate, and they exercised full and complete legislative authority over that Territory for years without question; and who ever said that the exercise of that power was an infringement of the right of suffrage on the part of Congress?

I say that all this reasoning with respect to the Territories and to the District of Columbia which undertakes to put the people who are in those Territories and this District in the condition of the people of States is entirely wrong. There must be a supreme legislative power somewhere, and while I might quarrel with my friend from Vermont with respect to some of the details of his bill, and there are provisions in it that I may not assent to, still I assert here that there cannot be any question in the mind of any sound constitutional thinker with regard to the power of Congress to legislate for the Territories without limitation or restraint beyond what the Constitution of the United States imposes.

Mr. Vest. Does the Senator from Florida assert that this power exists without limitation or restraint? He asserted that before on the floor of the Senate.

Mr. Jones, of Florida. When I speak of that, of course I speak with reasonable restraint.

Mr. Vest. I ask the Senator now the plain question, Does he believe the restrictions upon that power of Congress in the Federal Constitution do not apply to the Territories? That is the question.

Mr. Jones, of Florida. I say in reply to the Senator from Missouri that the Congress of the United States possesses the same power of legislation over the Territories that the State governments of the Union possess within their limits.

Mr. Vest. I ask the Senator from Florida if the Congress of the United States could pass a bill of attainder or *ex post facto* as to the people of a Territory?

Mr. Jones, of Florida. I say that it could not.

Mr. Vest. Then that is a limitation.

Mr. Jones, of Florida. Oh, well, the Senator understood what I meant when I spoke in general terms as speaking of the Government of the Union as exercising the authority of a general legislative power over the Territories in contradistinction to that power which every constitutional lawyer recognizes as belonging to the States; but when any man stands on this floor and undertakes to say that the people of a Territory have a right to legislate for themselves with respect to their affairs the same as the people of a State, he is saying that for which there is no warrant or authority under our organic law. I will not say that we could legislate against the principles of the Constitution respecting the establishment of a religion or other rights secured by the Constitution in the Territories, or deprive a man of his property without due process of law. I admit that those limitations upon legislative power prevail there as they do in the District of Columbia, but I say that we possess the same power over the Territories as we do over this District, and these early acts of Congress show it.

Mr. Beck. Allow me to ask can we prohibit female suffrage in Utah and allow it in Wyoming?

Mr. Jones, of Florida. That is a different thing; there are two questions in that. There is a question of power and a question of expediency.

Mr. Garland. I wish to make a suggestion to the Senator from Florida, with his permission, before he leaves that branch of the subject. Concurring in everything that he has said, in all its length and breadth and depth, I wish to call his attention to the fact that may have escaped his mind, that in reference to that earliest legislation in regard to the Territory of Florida, the Supreme Court of the United States in the case of the American Insurance Company *et al. vs.* Canter (in 1 Peters) held it to be within the constitutional limit of the exercise of Congressional power.

Mr. Jones, of Florida. I remember that case very well. The Supreme Court held that it was clearly within the power of Congress to make such rules and regulations respecting the territory of the United States as its wisdom dictated, and it exercised it. Can you imagine a greater exercise of power than to give to thirteen citizens appointed by the President and confirmed by the Senate legislative authority over a whole people? Suppose that was attempted here by the Senator from Vermont with respect to Utah; there would be a great hue and cry against it. A great deal more could be said against the proposition that this bill or any attempted exercise of authority brought forth here than against the provision that was incorporated into the act making provision for the government of the Territory of Florida, and still the Congress of the United States without question gave the full legislative power in that Territory to thirteen men appointed by the President and confirmed by the Senate without regard to the people of that Territory at all. It is true Congress modified that afterward, and permitted the people to elect their representatives to a regular legislative assembly; but in those acts they provided that no law of that Territory should be effectual or operative until it received the sanction of Congress, thus affirming in every possible way the supreme authority of the Government of the Union as a sovereign legislative power over the Territories of the United States.

Now, I say, when it comes to a question of detail and expediency we may differ, but so far as the question of power is concerned, in my judgment there can be no question. I will not say the Constitution of the United States does not operate there to protect the rights of property and of opinion in matters of religion, far from it; I say that it does; but all that I assert here is the authority of the Government of the Union as a general legislative authority extending over every Territory of the Union beyond the States.

Why, sir, we abolished in this District representative government, and to-day, beneath the shadow of this Capitol, there exists a form of government which does not command my approbation. Who questions the power? Three men appointed by the President and confirmed by the Senate rule the destinies of every inhabitant within this District and make laws for their government. It is unrepublican, in my opinion; it is undemocratic, and it is unwise; and if I had an opportunity, I would record my vote against it; but no man questions the power of Congress to do it.

Mr. Maxey. I would call the attention of the Senator from Florida on the question of power to the fact that Congress, after having granted the people of this District suffrage and authority to elect a legislature, as a matter of discretion, subsequently took that away, thus asserting the power beyond all possible question, and nobody has ever disputed it.

Mr. Jones, of Florida. Nobody ever questioned or ever will question the power. I question the expediency, the justice, and the wisdom of it, and if I had my way I would leave the goverment of Washington city and the District of Columbia to the free inhabitants thereof, and I would not undertake to administer this government through three commissioners appointed by the representatives of the States and the President here. But no man questions the power to do this thing. It is unrepublican, it is undemocratic; in my opinion it is unwise, unjust to these people; but still the Constitution gives the power.

So with regard to the Territories I have not any question in my mind to-day but that we have power to designate five men to rule out and to prescribe any code of laws which in their judgment they might deem proper for the good government of that Territory. If the Commissioners here violate rights of property, rights of conscience, they can be made amenable under our judicial system, and their action can be controlled by the supreme judicial power of the Union. So in the Territories; but I say so far as the power is concerned nobody questions it. With respect to the expediency of it that may be another thing. I want it understood that so far as I am concerned I have no doubt in my mind about the authority of this government to do everything that it may deem wise and proper to be done in the Territories for the good government of them, as a general legislature, independent of all these claims of the people for local rights, of which we have heard so much. Every argument that may be made here in behalf of the privileges of suffrage and the rights of the people is one of expediency and cannot be directed against our power to control the Territories of the Union.

I say there are some provisions in this bill which I might be disposed to question the wisdom of, which, with due deference to the Senator from Vermont, are open to question, because he asks us to alter the common law on a very important question of evidence. When he seeks to array the husband against the wife and the wife against the husband, I might hesitate for a little while before voting for that provision of his bill, but with regard to the power to do it I have not any question at all.

I cannot see why in the case of polygamy we ought to deviate from the common law any more than in the case of murder or any other hideous offenses that pervade society, and it would require a very strong argument to convince my mind that we should break up the marital relations of husband and wife in the case of polygamy without doing it in respect to other offenses.

Mr. Garland. I wish to make a suggestion to the Senator from Florida, with his permission, because we are all trying to get at the gist of this matter, and I should like to see him make up his mind upon the proposition contained in the second section of this bill, because I think I shall be able to show him before we get through with this transaction that this is the only thing left to be done if the power is conceded, and the Supreme Court has said so in so many words. I will take occasion to argue this matter hereafter.

Mr. Jones, of Florida. I confess that I have not arrived at any settled conclusion about it, but I want to say this much before I take my seat, that I cannot be led to believe that polygamy in any form can be converted into a system of religion any more than a combination of men to commit crimes against the common consent of society, the world over, could claim to be religion. By the settled opinion of mankind there are some things known as *malum in se*, which require, according to the old Latin phrase, no legislative prohibition or denunciation to fix their character. And why is this? It is because the common consent of the world has stamped them, the Christian world all over denounces this crime just as it does piracy, murder, and other forms of crime which are known to be in antagonism with established social order. There are other acts so different in their nature that the human mind cannot fix their quality without a legislative declaration; but there is not a Christian nation on earth to-day that does not brand the character of this offense and prescribe it to be in antagonism with social order.

It is not necessary therefore to resort to any law on this subject. There is not a State in the Union to-day that tolerates it, or wherein it would not be a crime if committed. Now, then, where resides the great legislative power to repress it in the Territories, if it exists to-day? Precisely what would be done here in the District of Columbia, or in Vermont, or in Florida, or in any other State, if any set of people undertook to set themselves up there in opposition to the established Christian sense of the word? There must be a power somewhere to repress it. I say that that power resides so far as the Territories are concerned in the Congress of the United States; and however much I might be disposed to differ with my friend from Vermont in regard to the details of the bill having for its purpose this end, I will never quarrel with him so far as the power itself is concerned.

The Presiding Officer. The question is on the amendment of the Senator from Kansas [Mr. Ingalls].

The question on Ingalls' amendment being put, after considerable colloquy it was rejected by a vote of 20 against 11, absent 45. The presiding officer announced that there was not a quorum voting, when a motion was made to adjourn, which was defeated by a vote of 16 against 13. Senator Edmunds moved that the Sergeant-at-arms be directed to request the immediate attendance of absent Senators, when another motion was made to adjourn which was again defeated, the yeas and nays being called in each case. Mr. Edmunds' motion prevailed, but the Sergeant-at-arms failed to get a quorum; when another motion was made to adjourn which failed on the roll call and Senator Edmunds moved that the Sergeant-at-arms bring into the Senate a number of Senators named by him. Again a futile attempt was made to adjourn, and this childish business was kept up through twenty-four different roll calls, and at length, it being impossible to secure a quorum, at 7 p.m. the Senate adjourned without action on the bill.