uilness before you can say he shall not have his seat.

Mr. Campbell holds the following ertificate, and I trust this House will remember that when this question was first discussed in the organization of the present House of Representatives the only objection made to the cirtificate was the fact that it exceeded the power of the governor to issue it; and that he had gone on and certified to facts which were not in his province to certify; in other words, that the certificate contained surplusage. This certificate, Mr. Speaker, is in the following words:

NITED STATES OF AMERICA,
Territory of Utah, Executive Office, ss:
I, Eli H. Murray, governor of the Territory of Utah, do declare and certify that at the regular election for Delegate to the Forty-seventh Congress, held in said Territory on the first Tuesday after the first Monday in November, A. D. 1880, to wit, the 2d day of November, 1880, the returns whereof were opened in my presence by the secretary of the Territory, Allen G. Campbell was the person, being a citizen of the United States, over the age of twenty-one years, having the greatest number of votes, and was therefore duly elected as said Delegate to the said Congress, and I therefore do give this certificate accordingly.
In testimony whereof I have hereunto set my hand and caused the great seal of the Territory to be affixed.
Done at Salt Lake City this 8th day of January, A. D. 1881.
ELI H. MURRAY, *Governor*.
By the governor:
ARTHUR L. THOMAS,
Secretary of Utah Territory.

Now certainly there is nothing in that certificate to indicate the number of votes which were received by Campbell, nor is there any law which states that they shall be set forth in the certificate; but the certificate goes on to say that Mr. Campbell, having received the largest number of votes, and he being a citizen of the United States—and whether it was necessary to insert that qualification in the certificate is not in the question here; but having received the largest number of votes, and being over the age of twenty-one years, it is hereby declared that he was duly eclected, &c. Now he comes here with that certificate and claims his right to a seat upon this floor. This certificate bears the great seal of the Territory of Utah, and the signature of its governor. It is the evidence that entitles the man to his seat, and there has never been anything said against it, except as I have already shown, that Campbell was a minority candidate. Nobody questions the certificate. The very thing that Campbell himself demanded, was an investigation of the votes cast in that election under this Territorial law allowing women to exercise the right of suffrage, and on a principle at war with our very civilization, and if he proved to be a minority candidate he would not ask for a seat; but he was denied that showing. You failed to allow him to establish the falsity of the charge which you allege against his election by preventing him from establishing the fraudulent character of the votes against him. He was prevented from doing what would have shown his right to the seat, if his right alone rested upon that charge. But the question has been raised as to the fact that this certificate contained more than the law required. Now, admitting that there is more in it than the law requires, I propose to show that that does not vitiate it or invalidate it; and upon that point let me call your attention for a moment to decisions which will cover this very point, which have always been law, and are law to-day.

I read section 104 of McCrary on Elections:

The law is well settled that statute certifying officers can only make their certificates evidence of the *facts which the statute requires them to certify*, and when they undertake to go beyond this and certify *other facts* they are unofficial and no more evidence than the statement of any unofficial person. (Switzer *vs*. Anderson, 2 Bartlett 374.) This rule of course applies to election returns, and to all certificates whichare by law required to be made by officers of election or of registration, or by returning officers. They can only certify to such facts as the law requires them to certify. The certificate of such an officer is not, however, vitiated by the fact that it contains the certification of facts outside of those which the officer has the right to certify. *If it in fact certifies the proper facts* it is good, and the remainder of the certificate is to be rejected as surplusage.

"The remainder of the certificate is to be rejected as surplusage." Can there be any mistake as to the exact and technical meaning of that language?

But Mr. Speaker, there is not a man here to-day who will take up that certificate, and after striking from it every objectionable feature, would not admit that Mr. Campbell upon its face presented an unqualified good certificate, sustaining his claim to the seat and a certificate such as the law requires. If there is surplusage there, more than the law requires, you strike it out and the certificate must stand as a warrant entitling him to the seat. Now, in this view of the case, why, I say, is Mr. Campell not entited *prima facie* to his seat? Nothing has ever been shown that would substantiate the claim that the certificate had been obtained by fraud; but it stands there unchallenged as the honest legal act of the only officer in this nation who could give that certificate under the law. And what is there to oppose it?

Mr. Speaker, from the moment that Mr. Cannon succeeded in securing the placing of his name upon the rolls of this House by the action of its Democratic Clerk, illegally and in violation of the law, I have no doubt that he regarded the contest then and there settled. I have no doubt that he considered the contest at an end and that he would be permitted to hold a seat which he and his co-religionists have disgraced for nearly twenty years.

But it did not happen to be the law. And I say further that this pretended certificate, this tabulated statement which they claim is evidence' was never attempted to be used by him, and if offered it could not have been legally passed upon by the committee on elections for the reason that it was not taken as evidence in the case submitted to them.

I find further that it is one of the grand and glorious maxims of this government that its people, wherever they are, whether in districts, whether in counties, each and every one of them is entitled to representation; and you have given your emphatic approval to that doctrine by declaring that each and every Territory in this country shall be entitled to representation and to send a Delegate here.

But we have the authority, you say, to refuse that Delegate a seat. Yes, you have the authority if you have a sufficient number of voters. But have you the legal right to deprive this Territory of representation simply because you have the numbers to do it with? Have you the right to say they shall not be represented? If a Delegate comes here bringing a legal *certificate* if you have a sufficient number of votes you can send him away in disgrace, but you have not the right to do it.

I say that Mr. Campbell in coming here with this contest is entitled to the thanks of this nation. And I say to each one of you who holds up his hands in holy horror at this crime that he is entitled to your votes. He has made this contest in good faith. He has callenged and dared them to meet it, and they have not met it, but have failed in every particular. The certificate held by Mr. Campbell, I say, stands to-day clear as a sunbeam; and gives him the right that is given to every Delegate who comes here armed with that certificate to a seat in this House, to debate but not to vote. And I trust that such will be the decision of the House in this case.

I yield the balance of my time to the gentleman from Kansas, [Mr. Haskell.]

Mr. Haskell. How much time have I granted me by the courtesy of the gentleman from Iowa?

The speaker *pro tempore*, (Mr. Russell.) Thirty-three minutes.

Mr. Haskell. I desire recognition later.

Mr. Calkins. Under the arrangement fixing eight hours as the extreme limit of the debate, unless the gentleman from Kansas takes his time now, I would suggest to him that he may be crowded out. No time can be reserved except in accordance with that arrangement.

Mr. Moulton. I hope the Speaker will keep a record of the time occupied by the respective sides.

Mr. House. Mr. Speaker, a decent respect to the opinions of mankind requires that the House of Representatives of the Forty-seventh Congress should at least pause and reflect before it adopts the course suggested and recommended by a majority of the committee on elections in this case. A continuous and unbroken line of precedents from the foundation of the Government, and preserved intact amid all the mutations of parties should not be disregarded without some grave and weighty reason.

The newly awakened conscince which calls upon us to discard precedents venerable for their antiquity, and so recently and so frequently admitted and followed by this House, may on examination be found to draw its inspiration from some other source than a determination to be just and fear not. A deliberative body like this house cannot lightly ignore its own action and throw contempt on its own deliberately established precedents and reasonably expect to preserve the respect of mankind or meet the approbation of a just and enlightened public opinion.

This is not the first time that Geo. Q. Cannon has applied to the House of Representatives to be admitted as a Delegate from the Territory of Utah. This very same man, holding the same principles he now holds, elected by the same people he now seeks to represent, came to the Forty-third Congress and claimed the right to be admitted as a Delegate. His seat was earnestly and ably contested, and the very point on which it is now sought to exclude him, to wit, his polygamy, was pressed upon the consideration of the committee and the House. Yet after a most thorough investigation of the case, he was delibaratelv allowed to take his seat by a House composed of an overwhelming majority of Republican members. Again, Mr. Cannon applied to the Forty-fourth Congress to be admitted as a Delegate. His seat was again contested, and the same point as to his polygamy was again made against him. But the Forty-fourth Congress, composed of a large majority of Democratic members, after a thorough examination of the points in his case, likewise decided in his favor, and he again took his seat in this Hall as the duly elected and legally qualified Delegate from Utah. He came again to the Forty-fifth Congress as the duly accredited Delegate from Utah, and the seat was accorded him. Again he came as a Delegate to the Forty-sixth Congress, and was allowed to take his seat. Thus for four consecutive terms, with the approbation of both political parties, after a thorough examination of all the points now urged against him, this identical man has been allowed to sit upon this floor as the representative of his people.

With an unquestioned and unquestionable majority of 17,211 votes he represents himself to the Forty-seventh Congress and again asks that he be permitted to represent his people here. But we are told in *effect that although he may have* been good enough to sit as a Delegate in four previous Congresses, the Forty-seventh Congress has so far progressed in piety or ability, or both, or neither, that he is altogether an unfit person to take his seat here among the fastidious members that compose the present House of Representatives. I can understand how a little cheap and ephemeral political capital may be made in this way by utilizing an aroused public sentiment against polygamy, but I cannot comprehend how this House can feel that it is obeying the dictates of justice or law or precedent by adopting the course suggested by a majority of the committee. The committee seem determined to carry out the cue that was given by or given to the governor of Utah. Cannon was denied a certificate of election by the governor, who, unable in the face of the conspicuous and indisputable fact that Cannon had been elected by a vote of nearly twenty to one over his competitor, Mr. Murray, organized himself into a judicial tribunal, decided that Cannon was not a naturalized citizen of the United States, that Campbell was a citizen, and gave the certificate of election to Campbell.

Now the governor, while he wore the ermine and figured in the judicial instead of the executive branch of the government, might have correctly decided, so far as I know, that Campbell was a citizen of the United States, but how he ever brought his judicial mind to the conclusion that Campbell had been elected, and thus moved his executive mind to give him a certificate of election, is what no one ought to be expected to understand who is not able to combine within himself the judicial and executive abilities of the remarkable public functionary appointed by the President governor of Utah, and appointed by himself a special judge to pass on the questions of naturalization and polygamy as they presented themselves to his dual mind in Cannon's case. The committee, in their report, reverse his honor on the naturalization question, and hold that his excellency slightly erred in giving a certificate of election to a man who only missed an election by a failure to get the votes of the people he aspired to represent. But they affirm the court on the polygamy question. The error of his honor in deciding that Cannon was not naturalized, and of his excellency in refusing him a certificate of election, has so far kept Cannon out of a seat to which, under the law, he was as much entitled as any member upon this floor, and his exclusion is to be made final if the House should adopt the resolution proposed by the majority of the committee.

As before intimated, the committee admit that Cannon is a naturalized citizen of the United States, and that he was duly and legally elected a Delegate to represent the Territory of Utah in the present Congress. They also admit that he possesses all the qualifications which the Constitution of the United States prescribes for a member of Congress. One would very naturally conclude after these admissions that the committee would find no obstacle and raise no objection to the admission of Cannon to his seat. But such is found not to be the fact on an examination of the extraordinary report which the majority have submitted to the House. They take the ground that Cannon is not a member of the House, but merely a territorial agent, whom the House may admit to his seat or not, as they see fit. They insist that Congress has never prescribed the qualifications of a Delegate from a Territory, and that they have no right to pass a law defining such qualifications, and that no law can be passed in reference to such qualifications which this House could not disregard at will.

Now let us inquire, in the first place, whether Congress has ever by law prescribed the qualifications of a Territorial Delegate.

The Constitution of the United States provides that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property of the United States.

Laboring under the impression that this clause of the Constitution empowered them to do so, Congress at an early day passed the following law; which has remained unchanged and unchallenged upon the statute book ever since:

Every Territory shall have the right to send a Delegate to the House of Representatives of the United States to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the Legislative Assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debating but not of voting.

In the organic law for the Territory of Utah Congress enacts—

That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same or any porvision thereof may be applicable.

Now, among the provisions of the Constitution thus extended by statute over Utah, we find the qualifications of Representatives or members of Congress prescribed: they shall be twenty-five years of age, seven years citizens of the United States, and shall be when elected inhabitants of the State in which they are chosen. But it is said that these qualifications are not applicable to a Delegate. Why not? True he is not a member with full powers, as he cannot vote, but in all other respects he is a member. He receives the same salary as a member, has a right to introduce measures of legislation as a member, is appointed by the Speaker of the House on Committees to shape legislation as members are, the oath administered to a Delegate is the same as that administered to a member. The time, manner and places of electing Delegates are the same as those prescribed for members. Vacancies in the cases of Delegates are filled in the same way as those occurring in the cases of members. a contest arises, the case of a Delegate is treated precisely as that of a member, and the analogies between the two are fully recognized by law, by the rules of the House and its uniform practice. Without a recognition of this analogy the case now under consideration could not have found its way under the rules of the House to the Committee on Elections.

The rule provides that subjects relating to the election of members shall be referred to the Committee on Elections. The rule makes no mention of a Delegate at all. How then did this case get before the Committee on Elections? Clearly by a recognition of the analogy between a Member and a Delegate; and the Committee, by the attempt to deny this analogy, repudiate the only source of jurisdiction they have to touch the case at all. If the provisions of the Constitution relative to Members are not to be extended by analogy to Delegates, then the House has no power whatever to judge of the election or qualifications of a Delegate; nor has it any right to expel him, for all these rights refer to Members only. Now it will not do to derive the power to judge of the election of a Delegate, to expel him, or to examine his case by a Committee of the House from the analogy between a Delegate and a Member and yet deny the applicability of that analogy when the qualifications of the former are to be passed upon. No reason is given or can be given or is attempted to be given why Congress did not mean by extending the Constitution of the United States over Utah to make the qualifications of a Delegate from that Territory the same as those of a Member by the close analogy between the two. If it had been intended to prescribe a higher standard of morality for a Delegate than for a Member, surely that intention would crop out somewhere in the legislation relative to the Territories.

If any reason exists for requiring a higher degree of qualification for a Delegate than for a Member, surely the committee in search of reasons to deny Cannon his seat would have discovered it and given us the benefit of it in their report, which, it must be confessed, is not at all crowded with either logic or law to sustain the positions assumed. But it is said the election of a Delegate is not provided for by the Constitution. But such election is provided for by an act of Congress, which is as binding upon this House as the Constitution is. Congress has the power to pass all needful rules and regulations for the Territories. In the language of the Supreme Court of the United States.

The' organic law of a Territory takes the place of a constitution or the fundamental law of the local government.

And again:

It [Congress] may do for the Territories what the people under the Constitution of the United States may do for the States,

The chairman of the committee who submitted the majority report says:

* * * Delegates are creatures of statute, and it would be competent at any time for the legislative branch to abolish the office altogether.

Suppose this is true; it does not follow that one branch of Congress can abolish the office, or which amounts practically to the same thing, nullify the law by arbitrarily refusing, as it is claimed the House has a right to do, to allow the Delegate duly elected under the law to take his seat. But says the chairman of the committee further:

The writer of this report goes further than that. He holds that it is incompetent for Congress and the Executive to impose on any future House the right of Delegates to seats with defined qualifications; that is to say, when the several laws were passed giving the Territories the right to this limited representation, those laws were binding only on the lower House, which permitted them to be, or made it possible for them to be passed, and were persuasive only to the Houses of *future* Congresses.

Then they were not laws. For if they are laws I fail to see how they are binding on the House that assisted in passing them and "persuasive only to the House and future Congresses." It seems to me a new rule in the interpretation of statutes to hold that the lower House of Congress is bound by a law because it participated in its passage, but a future House that had no hand in making the law, and did not therefore assent to it, is only bound by it in so far as it chooses to be.

And again the chairman says in his report:

And with reference to the election of Delegates who (if they hold any office or franchise at all) can be nothing but agents representing the common property and territory of all the people, it operates only on the lower branch of Congress, for their election extends no right to them to interfere with the business of the Senate or to act as members thereof.

That is true. The election of a Delegate does not extend to him the riagt to interfere with the business of the Senate or to act as a member thereof. Neither does the election of a member of the House extend to him the right to interfere with the business of the Senate or to act as a member thereof, but what this proves or is intended to prove on the point in hand by the author of the report I do not know that I perceive. If it is meant to assert that as a Delegate cannot have anything to do with the proceedings in the Senate, and that therefore the Senate should have nothing to do with fixing his qualifications, I fail to see the force of it. For, although the Delegate takes his seat in the House alone, he represents, as the report says, "the common property and territory of all the people," and it would seem that as the Senate as well as the House is clothed by the Constitution with the power to pass