church. The non-Mormons say that their church creed does not permit them to do so.

Where it is a question of *belief* and a dispute as to what the belief is, it can hardly be expected that Congress will undertake to settle the dispute, and take that as a basis of legislation.

It would hardly undertake to legislate in regard to a belief that was avowed; certainly would not venture so far as to act against or because of a belief that is disputed.

The constitution offered contains the following provisions:

[The sections relating to bigamy and polygamy are here inserted.]

It is manifest that if this constitution is accepted, and the provisions above quoted are enforced, polygamy must cease to exist, and cannot be practiced in Utah.

The objection that is made is not to the provision itself, but it is asserted that it is not intended in good faith to enforce it.

No *fact* has been brought to the attention of your committee to support this assertion. What is relied upon to maintain it is the doctrines of the Church hereinbefore referred to as interpreted by the non-Mormons, the contention being that persons who belong to that Church cannot in good faith carry out and enforce this prohibition of polygamy. This rests in belief and argument, and not in any fact.

On the contrary, the Mormons say that they do intend in good faith to carry out this provision; and as evidence of that good faith they point to the facts hereinbefore mentioned, viz, that the makers and ratifiers of this constitution were never in polygamy; that the doctrines of their Church do not require polygamy; that by their Church creed they are required to obey the laws of the State where they prescribe a rule of conduct, that they have already passed laws prohibiting plural marriages, and punishing whoever solemnizes such marriages.

They point further to the fact that the few Mormons who are in polygamous relations took no part in framing this constitution, and that the non-polygamous Mormons who did frame it, and who are urging it here, requested the non-Mormons of the Territory to unite with them and offered them representation in the Convention.

To such facts as these they point as evidences of their intention in good faith to execute this prohibition of polygamy.

If considering duly what can be offered against their sincerity in this regard, and what they present evidencing sincerity, Congress should conclude that they are proceeding in good faith and will act in good faith in carrying into effect this provision, there could be no doubt in the mind of any one that admission should be granted, for that would end this question, which has so long vexed the country, forever.

THE POWER OF CONGRESS AFTER ADMISSION.

This contention that the Mormons who have made and ratified this constitution are not acting in good faith, and that they do not intend to execute its provisions as to polygamy, is coupled with the legal proposition that if Utah is admitted, Congress will then be powerless to deal with polygamy, and it may be practiced with impunity. The question thus presented is of such importance that your committee submit for the consideration of the House the respective contentions on that subject.

The argument of those who assert this proposition is in substance as follows: That when a State is created, its sovereignty as to all local matters is complete and supreme; that the people may then amend the State constitution or make a new one at will; that the legislature is free to make such laws as it may please, and, therefore, that if Utah is made a State with the above quoted provision in the constitution, the people may at pleasure make a new constitution, permitting polygamy, or may omit to make laws punishing it, and if this occurs, Congress will be powerless to interfere.

The opposite contention is as follows:

It is argued that this provision is in the nature of a compact between the Federal Government and the State, for the violation of which Congress would have adequate and peaceful remedies.

We have been referred to compacts similar in principle that have been made with numerous states; such as the agreements or stipulations with many states that the right to tax in certain instances should not be exercised for five years.

The case of Louisiana is cited, in which it was required that trial by jury should be provided for; that the laws should be printed in the English language; and much stress is laid upon the case of Nebraska, in which it was provided that slavery should be prohibited forever; and it is argued that if Congress could make such a provision for Nebraska as to slavery, it could make such a provision for Utah as to polygamy; that if Nebraska had violated the agreement in respect of slavery, Congress would have found a remedy, and that a remedy would readily be found if Utah should violate her agreement as to polygamy.

It can hardly be conceived that Congress imposed such conditions as above alluded to, from time to time during a period of eighty years, with the understanding that for violations of them there would be no remedy. It must have been understood that Congress would find a remedy for breach of such a compact, although no remedy was ever provided for. What the remedy would be would doubtless depend upon the circumstances of each case.

The remedies that have been suggested in the present case in the event of such action as it is asserted might happen are that representation in the Senate and House of Representatives could be denied; that mail facilities and Federal courts could be withheld, and the like. And it is further urged that if there is any doubt as to Congress having the power to interfere that doubt may be removed by a stipulation for a remedy; that is to say, by Congress tendering admission upon such terms as to remedy as may be deemed to be adequate, and require Utah to accept those terms by an ordinance adopted by the people as a condition precedent to admission; as, for example that if Utah should amend this constitution in respect of the provision against polygamy, Congress might assume control just as though no State government had ever been created.

These, in substance, are the respective contentions on this subject.

The makers of this constitution, while asserting their purpose in good faith to put an end to polygamy, further insist that admission as a State would not only be the most effectual means of accomplishing this, but that if Utah becomes a State the people will soon cease to be Mormon and anti-Mormon, and will divide themselves between the political parties, and thus the strife on the Mormon question will be buried under the political issues that are common to the entire country.

CONCLUSION.

Notwithstanding, and in view of the fact that the present Congress is soon to expire, and probably without opportunity on the part of the House to consider this subject, your committee deem it but just to all parties concerned to present to the House the condition of Utah as to population, resources, development, schools, etc, etc., and the extent to which polygamy now exists, as above set forth, together with the respective contentions as to the doctrines of the Mormon Church, and the good faith of the Mormon element in respect of the offer to make polygamy a crime by a constitutional provision, not repealable except with the consent of Congress.

The indications are certainly very strong that in the not distant future polygamy, in fact, will have ceased to exist; and when that time arrives, if not sooner admitted, the question will have to be met whether Congress will exclude Utah as a State because a majority of the people are members of the Mormon Church.

Your committee present herewith a report of the arguments before the committee on this subject. Gentlemen of the highest character, representing both sides of the controversy, were invited to appear before the committee and to present such facts and arguments as they might see fit to do. A careful perusal of these arguments, which are made part of this report, will serve to inform the House and the country fully as to the conditions existing in Utah at this time.

Having thus presented the situation as disclosed at the hearing, the bill is reported back, with the recommendation that it be placed on the calendar for consideration and action by the House.