

are waiting for this report, and I must therefore insist on my demand for the previous question.

The previous question was ordered.

The Speaker. If there be no objection the conference report will be adopted.

Mr. Holman. I demand the yeas and nays.

The House divided, and there was—ayes 19, noes 81.

So the yeas and nays were not ordered.

The Speaker. The yeas and nays are not ordered, and the conference report is adopted.

Mr. Hiscock moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

Mr. Converse. I ask for a division on agreeing to the conference report.

The Speaker. The conference report is not divisible.

Mr. Converse. I ask that a vote shall be taken, so I may know whether a quorum is present or not. I ask for a rising vote.

Mr. Speaker. The yeas and nays were demanded after the vote had been taken, and the yeas and nays were refused. It is now too late for the gentleman to make the point that there is no quorum. The gentleman from New York moves to reconsider the vote by which the conference report was adopted, and also moves that the motion to reconsider be laid on the table. If there be no objection it will be agreed to.

Mr. Springer. I object.

Mr. Hiscock. The question then is on the motion to lay the motion to reconsider on the table.

The House divided; and there were—ayes 83, noes 19.

Mr. Converse. No quorum has voted.

Mr. Hiscock. I understand the question of no quorum will be withdrawn if the gentleman from Ohio [Mr. Converse] is allowed three minutes, and I will yield to him for that time.

The Speaker. The gentleman from Illinois [Mr. Springer] makes the point there is no quorum, and the gentleman from Indiana also makes the same point.

Mr. Springer. I made the point because the Chair said if there be no objection the motion to reconsider would be laid upon the table, and I objected.

Mr. Hiscock. I understand the point of no quorum is withdrawn. I will yield, therefore, three minutes to the gentleman from Ohio, [Mr. Converse].

The Speaker. The gentleman has not the floor to yield, but the Chair will ask for unanimous consent.

Mr. Holman. I ask for a division, for the purpose of obtaining a yeas-and-nay vote on this measure. I am opposed to concurrence in the report.

The Speaker. Does the gentleman object?

Mr. Holman. I made the point for the purpose of procuring a yeas-and-nay vote on this question.

The Speaker. The House refuses the yeas and nays.

Mr. Holman. I am aware of that. Peelle. I demand the regular order.

The Speaker. The gentleman from Ohio will be recognized for three minutes if there be no objection.

Mr. Hiscock. Does the gentleman from Indiana insist on the point of order that no quorum has voted?

The Speaker. The Chair so understands him to insist.

Mr. Hiscock. I hope the gentleman will answer. Do I understand he insists on the point of order, no quorum has voted?

Mr. Atkins. Why, there is no quorum in the city.

Mr. Holman. If we have a yeas-and-nay vote there will be no point made of the want of a quorum.

Mr. Atkins. Certainly the gentleman does not desire to defeat this bill, and if he asks for a yeas-and-nay vote no quorum appearing in the Record, it will go to the country.

Mr. Holman. The point of no quorum will not be made.

Mr. Atkins. It will make itself.

Mr. Hiscock. I hope the gentleman from Indiana will consent to the arrangement by which the gentleman from Ohio [Mr. Converse] will be allowed three minutes, and then you can get the bill over to the Senate.

The Speaker. The question is on laying the bill on the table, and on a division of the House the point was made that no quorum had voted.

Mr. Holman. Mr. Speaker, I believe, under the circumstances, I

will not insist upon the question of a quorum.

Mr. Converse. Mr. Speaker, I desire, then, to call the attention of the House briefly to this amendment of the Senate to the pending bill.

Mr. Hiscock. Will the gentleman from Ohio allow me to interrupt him a moment? I hope now that the House will consent that the motion to reconsider the vote just taken be laid upon the table so that the bill may go to the Senate, and the gentleman from Ohio be permitted to continue his remarks thereafter.

The Speaker. Is there objection to the suggestion of the gentleman from New York?

There was no objection; so the motion to reconsider was laid upon the table.

Mr. Converse. Mr. Speaker, when the subject of appointing a board of commissioners for the Territory of Utah was before the House for consideration, I made a statement that one of the purposes in contemplation was to place the treasury of that Territory in the hands of a returning board. I did not then see the means by which that was to be accomplished, but under this Senate amendment to the sundry civil appropriation bill, it is evident that you put out of office the officers elected by the people of that Territory. The officials of that Territory, elected by the people there, have ever since the organization of the Territory proved themselves to be honest in the administration of all monetary affairs connected with it. There have been no defalcations, frauds, or extravagance, and no charges of the misapplication of the people's money.

By this amendment you take the entire control out of their hands and place it in the hands of a governor appointed by the President of the United States. There is no requirement of law as to the qualifications of the treasurer whom he shall appoint. There is no requirement as to the bonds which shall be taken for the protection of the treasury. There is no requirement of law as to the appointment of the accounting officer called the auditor of public accounts, so that practically, under this amendment, you place, as I have said, in the hands of Governor Murray, not only the treasury of the Territory and the collection of all taxes, but you authorize him as well to appoint an auditor of accounts, the only auditing officer known under the laws of Utah Territory.

By this provision it seems to me that you have bound that Territory hand and foot, and given it over to carpet bag governors and returning boards to rob, as the Southern States have been robbed by the same class of officers within the last few years.

The amendment which I desired to offer to the Senate amendment and which the House gave leave to have printed in the Record is as follows:

Provided further, That the foregoing provisions of law shall not apply to any officers who have not been guilty of polygamy, where under the laws of the Territory of Utah they can hold their respective offices until their successors are elected and qualified.

The letter of certain Federal officers in Utah, published in the Senate proceedings the other day, shows that the object of asking this appointing power to be conferred upon Governor Murray is to reach the offices of Territorial treasurer and auditor of public accounts. Those offices are named in the letter.

I only desire, sir, to put this statement on record and leave to the future to determine whether the statement be warranted by the facts which shall transpire or not. There could have been no objection to passing an amendment to the Senate amendment extending the term of office of the present treasurer and auditor of public accounts, who were elected by the people and are citizens and residents of the Territory, provided they were not and are not bigamists or polygamists. That amendment has been refused, but without debate, without opportunity for amendment; without apology a law has been enacted by an amendment on an appropriation bill depriving the people of the Territory of the officers elected by themselves and providing for the appointment in their stead men selected by a governor not elected by themselves, by a non-resident governor who has no interest in them, and has no interest in the Territory.

The law as it now stands is intended to place in his hands entire charge of the great and growing interests of that people. The men whom he selects to hold these im-

portant offices, to collect the taxes, keep and disburse the moneys, audit the accounts, may be non-residents like himself. But whether he selects residents or not, they may be his mere tools, without character and without the confidence of the people mostly interested. There is no appeal or review of his decision. An appointed governor's word becomes law to the people, from which there is no appeal.

I do not desire to say anything against the governor of Utah himself; but if the gentleman from Kentucky, [Mr. Blackburn], who passed a high encomium upon his character, will examine the files and papers in the office of the Bureau of Justice in this city he will find an examination made by the last Administration of Mr. Murray's proceedings as marshal of Kentucky which I think would induce him to modify his opinion. The governor's recent performance certifying that a man was elected Delegate to Congress who received only 1,300 votes while his opponent received 18,000 votes is not calculated to inspire confidence in either his judgment or his probity. But without regard to him, such power ought never to be taken from the people and placed in the hands of any one man. Neither ought he to be subjected to any such temptation.

Mr. Hiscock. I desire to say one word in reply to the gentleman from Ohio in reference to this most "pernicious" legislation which has been recommended by the judiciary committee of the Senate and was unanimously recommended—unanimously, understand me—recommended to the conferees of the House by the conferees on the part of the Senate. And this recommendation came to us, Mr. Speaker, not from a divided body of conferees on the part of the Senate, but with the united accord of all of them commending to us that this amendment should go upon the bill of the House.

Mr. House. Does the gentleman from Ohio state the amendment correctly?

Mr. Hiscock. It is to the effect that so far as vacancies are concerned the governor shall appoint officers to fill them.

Mr. Butterworth. I have the amendment here in my hand, if the gentleman from New York will permit me to read it. It is on amendment No. 62, as follows:

The governor of the Territory of Utah is hereby authorized to appoint officers in said Territory to fill vacancies which may be caused by a failure to elect on the first Monday in August, 1882, in consequence of the provisions of an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22nd, 1882, to hold their offices until their successors are elected and qualified under the provision of said act; *Provided, That the term of office of any of the said officers shall not exceed eight months.*

Mr. Hiscock. Now it is said that this provision gives the treasury of Utah over to Governor Murray and his appointees without any safeguards placed around it, or any demand that there shall be fidelity on the part of the officers intrusted with its custody. If that is true, then in the laws of Utah there are no guards against the dishonesty of the present officers of that Territory; for whenever an officer is appointed to fill a vacancy he takes that office under the statute, and whatever obligations are imposed upon his predecessor—who was originally elected or appointed as the case might be—apply to him as well. Is there any doubt about this fact? I appeal to the gentleman from Ohio to answer.

Mr. Converse. There is no doubt about it. There is no provision for giving a bond at all.

Mr. Hiscock. If the treasurer of Utah was compelled under the Territorial law of Utah to execute a bond for the faithful discharge of his duties, that statute applies to the appointed officer. This is simply providing a new way to fill the office, and does not remove any of the guards upon the Treasury, and does not lessen any of the obligations of the officer, does not remove any of the restrictions upon his power. This is all the reply I wish to make to the man's nest which the gentleman from Ohio has discovered in this amendment.

Mr. Converse. I have only one thing to say in reply. I appeal to and am willing to wait for the future. I am willing my judgment should be tested by what shall take place in that Territory in the next ten or twelve months.

Mr. Hiscock. Just one word in reply. The majority of Congress at the other end of the capitol and here, have adopted a policy with re-

ference to Utah. I do not understand that that policy was established strictly upon party lines; it may have been pretty nearly, but not strictly and absolutely. And with that majority rests the responsibility. It accepted it. I say that majority that enacted and that is responsible for this legislation accepted the responsibility when it initiated and consummated the legislation, and it is entirely willing to trust to the future to vindicate it in respect to that legislation.

Mr. Converse. There could have been no objection to leaving the officers in the Territory to hold the offices for the next eight months.

Mr. Springer. I desire to make a parliamentary inquiry.

The Speaker. The gentleman will state it.

Mr. Springer. This bill having passed the House about fifteen minutes ago, and being now considered in the Senate, would it be in order to move the previous question on it in this House?

The Speaker. The Chair thinks not.

It is observable that all that has been done during the recent session of Congress, in relation to Utah, has been pushed through without fair consideration, every technicality being taken advantage of to avoid debate and prevent investigation. The same course was pursued in the adoption of the Senate amendment. Mr. Converse, who sprung the question during the passage of the Edmunds bill of its consideration in Committee of the Whole, and who was undoubtedly right, as after developments proved to a demonstration, in this instance endeavored again to bring reason and justice to bear in legislating on Utah, but in vain.

Mr. Converse's remarks on the one man power will be endorsed by every man who has the least regard for republican principles, and is opposed to despotism. Fortunately there are checks to the license which the amendment appears at first sight to establish which will prevent abuses that might arise without them. They are in our local laws which will govern the officers in the case of appointments just as much as if filled by election.

One good thing resulted from the gentleman's efforts, expressions were drawn from the party having the amendment in charge, avowing that that there was no design in passing it to create vacancies, but merely to provide for filling such as might occur through the failure of the August election; also that any appointees who might fill vacancies so occurring would be subject to precisely the same condition under the laws of Utah as if they had been elected. Such expressions, though casting no new light on the subject, are valuable as indications of the bearings of the measure as understood by its promoters.

Let it be borne in mind that the Conference Committee were all clearly of opinion that where the law provides for existing officers to continue until their successors are elected and qualified, they will hold over, under the Amendment, the position exactly which has been taken by this paper.

We have no doubt that there was an intention in the hands of some to bring about just such a monstrous iniquity and deplorable state of affairs as prefigured by Mr. Converse. But we are happy in the assurance that nothing of the kind is possible under a just and strict rendering of the law. If that is carried out according to its evident meaning, there is no immediate danger of difficulty in our political situation.

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