Utah Contested Election Report Cannon-Contested Election, Territory of Utah.

April 30, 1874-Ordered to be printed. (CONTINUED.)

Amendment Proposed to be Submitted by Mr. Gerry W. Hazleton to the Report of the Committee on Elections in the case of Maxwell vs. Cannon.

Whereas George R. Maxwell has prosecuted a contest against the sitting member, George Q. Cannon, now occupying a seat in the Fortythiid Congress as Delegate for the Territory of Utah, charging, among other things, that the said Cannon is disqualified from holding, and is unworthy of, a seat on the floor of this House, for the reason that he unworthy of, a seat on the floor of this House, for the reason that he was at the date of his election, to wit, on the 5th day of August, 1872, and prior thereto had been and still is, openly living and cohabiting with four women as his wives under the pretended sanction of a system of polygamy, which system he notoriously endorses and upholds, against the statute of the United States approved July 1, 1862, which declares the same to be a felony, to the great scandal and disgrace of the United States, and in abuse of the Privilege of representation accorded to said Territory of Utah, and that he has taken and never renounced an oath which is inconand that he has taken and never renounced an oath which is inconsistent with his duties and allegience to the said Government of the
United States; and whereas the evidence in support of such charge has
been brought to the official notice
of the Committee on Elections:
Therefore.

of the Committee on Elections:
Therefore,

Resolved, That a committee be appointed, of the same number as the standing committees of the House, to inquire into the said charge, and report to the House as to the truthfulness thereof, and to recommend such action on the part of the House in the premises as shall seem meet and proper.

COMPLAINT having been entered at this Composition of abandoning his Hemestead Entry, No. 1118, dated May 4th, 1871, upon the northwest quarter, Section 28, Township 2 South, Range 1 East, in Sait Lake County, Utah Territory, with a view to the cancellation of said entry; the said narties are bereby summoned to appear at this Office, on the litts day of May, 1874, at 1872, and 18

VIEWS OF THE MINORITY.

I dissent from the conclusions at which the majority of the committee have arrived. I agree fully with a majority of the committee that the proof shows that the contestant, George R. Maxwell, was not elected; and that, while there were undoubtedly, at some of the precincts or voting places in the Territory, frauds perpetrated and undue influences used by the political or partizan friends of the sitting Delegate, he received an overwhelming majority of the legal votes cast at the election, and was duly elected a Delegate from the Territory of Utah in the Fortythird Congress.

As the result of the investigation

Tree Blocks south and Two

As the result of the investigation of the case, the majority of the committee report for the action of the House, and recommend the adoption of, a resolution declaring that the contestant, George R. Maxwell, is not entitled to a seat as a delegate, in which action I fully a delegate, in which action I fully concur; and the majority also report for the action of the House, and recommend the adoption of, a resolution to the effect that George Q. Cannon was duly elected, but fail to go further, and declare that said Cannon is entitled to his seat as a delegate from the Territory of House

To this view of the case taken by the majority, which induced the majority, after ascertaining that the sitting delegate, Cannon, was duly elected and returned, to stop short of recommending the adoption of a resolution declaring that he was entitled to the sent as the delegate representative of the people of the people of the sent as the delegate representative of the people of the people of the sent as the delegate representative of the people delegate representative of the peo-ple of the Territory of Utah, I can-not assent, for the following rea-

The majority of the committee have failed and declined to report a resolution to the effect that Geo. Q. Cannon was entitled to the seat, Q. Cannon was entitled to the seat, upon the ground that he was disqualified by reason of the fact that he was the husband of more than one wife, and, as is assumed, guilty of a violation of the act of Congress which denounces a penalty of fine and imprisonment against any person in any of the Territories of the United States who practices bigamy ar polygamy.

my er polygamy.

The committee, under and in pursuance of a long course of decisions of the House, had a plain duty to perform that of ascertaining and reporting to the House which, if either, of the parties to this contest was elected and returned, and as to the qualifications of the party found to be so elected. party found to be so elected

If the committee found, as they did, that Mr. Cannon was duly elected and returned, and that he had the qualifications which the Constitution of the United States requires shall be possessed by members of the House, it follows logically that there was one other duty for the committee to perform, and that was to report a resolution declaring that he was entitled to the seat.

It is admitted in the report, and the fact has not been and is not denied, that Mr. Cannon possesses the constitutional qualifications, unless the qualifications of a Delegate in Congress from a Territory

gate in Congress from a Territory differ from the qualifications fixed by the Constitution for a member of the House.

There can be no sufficient reason assigned for the position that the qualifications are any different. The Constitution does not in express terms prescribe the qualifications of a Delegate in Congress. It does prescribe those of a member of the House of Representatives, and of course the constitutional provision on the subject is a limitation on the right or power of the House to annex or fix any other qualifications of a Representative in Congress, notwithstanding the Con-stitution has clothed each House of Congress with the power to judge of the election, returns, and qualifi-cation of its members.

tives in Congress are prescribed by the second section of the first arti-cle of the Constitution of the Unit-

They are, first, that they shall have attained the age of thirty-five years; second, that they shall have been seven years citizens of the United States; and, third, that they shall, when elected, be inhabitants of those States in which they shall be chosen. No other qualifications are prescribed in the Constitution.

Constitution.

If the Constitution of the United States had vested anywhere the power to prescribe qualifications of Representatives in Congress additional to or different from those prescribed by the Constitution itself, it is obvious that this power would have been conferred either upon Congress, or upon the House alone, or upon the States.

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