

rect statement of the result of the vote of the Territory of Utah, for Delegate to Congress, polled August 3rd, A. D. 1874, as received by me, and opened and counted in the presence of the Governor and the above candidates, as appear on record in my office.

GEORGE A. BLACK,  
Secretary of Utah Territory.

\*The votes purporting to have been cast in Cache county were rejected and not included in the statement of the result of the election for Delegate to Congress, for the reason that the reported returns from said county were not made, certified to, and signed by the legally appointed clerk of Cache county.

I hereby certify that the foregoing is a true and correct copy of the original as filed in my office and recorded October 12, 1874.

GEORGE A. BLACK,  
Secretary of Utah Territory.

In the matter of the Contest between Robert N. Baskin, Contestant, and George Q. Cannon, Claimant and Contestee, for the seat as Delegate from Utah Territory in the Forty-fourth Congress of the United States of America.

To ROBERT N. BASKIN, Contestant:

In answer to your notice, served on me on the 14th day of October, 1874, that you will contest my right to a seat in the forty-fourth Congress of the United States, as Delegate from Utah Territory, and to the statement therein contained of the grounds on which you will rely in such contest, I say:—

First. I admit that in the schedule or certificate, annexed to your said notice, is a correct statement of the votes given for Delegate in said Congress, at the general election held in said Territory, for the election of such Delegate, on the 3rd day of August, 1874. I aver that said election was held pursuant to law; that it was regularly noticed and conducted; that the result thereof was certified in due form; that, as is stated in said certificate, twenty-four thousand eight hundred and sixty-three of the votes given for said office of Delegate, at said election, were given for me as a candidate therefore; that only four thousand five hundred and eighteen votes were given for you; that the said votes given for you and for me were all the votes given at said election for said office except eight; that I received a majority of twenty thousand, three hundred and thirty-seven of the votes given for said office, and was thereby elected at said election.

The formal certificate of my said election has not yet been delivered to me; I expect to receive it; when received I shall claim the same benefit therefrom as though it were set out, at large, in this my answer to your notice. If such certificate shall be withheld, the withholding thereof will be contrary to law; and I shall, notwithstanding, be entitled to said office of Delegate, and to a seat in said Congress as such Delegate, in virtue of my election aforesaid.

I insist that the rejection of the vote of Cache County, by the Territorial canvassers of the votes, was erroneous; that the election in that county was regularly noticed and conducted, that the votes there given for said office were correctly and regularly certified to the Secretary of said Territory. But accepting the canvass as made, I was elected to said office of Delegate, by a majority of seventeen thousand, eight hundred and thirty nine votes, and I shall claim a seat in said forty-fourth Congress as Delegate from said Utah Territory, by virtue of such election.

Second. In answer to your first ground of contest, I deny that on the 3rd day of August last I was not a citizen of the United States. It is true, I was born of alien parentage, out of the jurisdiction of the United States; but I came into the United States, with my parents, at the age of fourteen years, and have therein ever since resided. On the 7th day of December, A. D. 1854, in the First District Court of the Territory of Utah, held in Great Salt Lake County, I was personally naturalized; then and there, in that court, I took the oath of allegiance and fidelity to the government of the United States, with the customary renunciation of all other allegiance, and was, by due ceremony, admitted to full citizenship in the United States. I received a certificate thereof, subscribed and issued by the Clerk of said Court,

and under the seal thereof; which certificate I still have in my possession, ready to be produced when necessary to this contest.

Third. In answer to the second and third grounds of contest, set forth in your notice, I say: It is true that I am, and for many years have been, a member in good standing in the Church of Jesus Christ of Latter-day Saints, commonly called the Mormon Church. But membership in that Church is no reason for denying a Delegate elect from this Territory the right to a seat in the forty-fourth Congress. The Territory of Utah has been represented in the Congress of the United States by delegates who were members of that religious denomination, continuously since that Territory was organized in 1850. It was originally settled by Mormons, and their distinguished and now venerable President, was for many years its governor. By the wise policy and efficient instrumentalities of the Mormon Church, for promoting immigration, the Territory has attained a high degree of material prosperity, and its present population, numbers fully one hundred and fifty thousand people, at least six-sevenths of whom are Mormons.

The Organic Act gave the people of this Territory, from the outset, when exclusively Mormon, the right of representation in Congress, by Delegate elected by themselves. In this they have enjoyed only an equal privilege with other citizens of Territories.

Your arraignment of the Mormon church and myself as a member, is irrelevant, and violative of the constitutional pledge of toleration and immunity from religious test. Nor am I, as an individual Mormon, disqualified to act as Delegate, by my profession of that faith. As a Mormon, I recognize it as my constant duty to teach and practise the religion and morality of the Bible; to be exemplary in my conduct as a private citizen; to be faithful in the performance of all my duties, public and private; and to be loyal to the government. You charge me with polygamy under the name of plural or celestial marriage. Now if I am guilty of it I am subject to prosecution therefore, in any court of competent jurisdiction; and in this election contest I deny your right to question, and I ought not to be required to answer, on that subject, forestalling the result of judicial inquiry.

I deny that by reason of being a Mormon, or otherwise, I have entered into any relations with any woman, of such character or in such manner as to subject me to punishment for any offense, under or by virtue of the provisions of the Act of Congress to which you refer, approved July 1st, 1862. This denial will suffice, and it is intended to be full, to put in issue not only all you have alleged in detail in that part of your notice to which this section of my answer is in response, but also all like allegations and details in any and all parts of your notice.

It is twelve years since the Act of Congress mentioned by you was passed, yet not only has no case ever been attempted to be made under it, against me, but none has ever been attempted to be made against any other member of the Mormon church, and my matrimonial status has been unchanged for many years. Said Act has had the same application to me ever since its passage as now, and you have been my neighbor for nine years, and during a part of this time you acted as government attorney.

Ever since such allegations as are contained in your notice have been made and published in this Territory and elsewhere, I have courted a judicial investigation and I do now, in the confidence that my private character will not suffer, but will rather be vindicated by such a trial. My right to a seat in the 43rd Congress was disputed on like grounds as those stated in your notice; and a most searching investigation was had before the House Committee on Elections, aided by superior legal talent. It appears, however, that neither the committee nor the House of Representatives considered me disloyal, unpatriotic, or civilly or religiously disqualified to retain a seat in that honorable body, as will be seen by the following resolutions of the House of Representatives taken from the report published in the Congressional Record:

"Resolved, (1) That George R. Maxwell was not elected, and is not entitled to a seat in the House of Representatives of the Forty-third Congress, as Delegate for the Territory of Utah.

"Resolved, (2) That George Q. Cannon was duly elected and returned as Delegate from the Territory of Utah, and is entitled to a seat as a Delegate in the Forty-third Congress."

Fourth. In answer to the fourth ground of contest, set forth in your notice, I say:

That the Mormon Church requires no obedience, enjoins no act or course of conduct, and I, as a member of that Church, have entered into no obligation of obedience, or to do any act, or to pursue any course of conduct, other than such as would become a good citizen, and increase his general usefulness and respectability. The Mormon Church does not require or receive, and I have not made any pledge, declaration or promise, express or implied, to the said church, or to any officer or person in it, that conflicts, or that can, in any event, conflict, with my allegiance or duty to the United States. I recognize the political government, general and local, as supreme in all that relates to my civil conduct, and I yield constant and cheerful obedience thereto. I do not, however, regard it as a duty of a good citizen to refrain from denouncing unjust or unconstitutional legislation. But I approve, I always have approved, and never have disapproved, or opposed, by precept or practice, or incited others to violate or oppose, any law for the prevention or suppression of crime, nor any law adapted to promote private virtue, or the general welfare of society. I can, without any mental reservation whatever, as I have done before, take the official oath of a Delegate in Congress.

Fifth. In answer to the fifth ground of contest set forth in your notice, I say:

The bill which you mention, as having passed the House of Representatives on the 3rd day of April, 1874, has not become a law. I admit that that honorable body is the sole judge of the qualifications of its members. I deny, however, that the passing of said bill, by said House of Representatives, was a public expression of the sense of that body as to my ineligibility as a Delegate to Congress; on the contrary, I was eligible, and actually served in said House of Representatives as Delegate from the Territory of Utah.

Sixth. In answer to your sixth ground of contest, as stated in your notice, it is only necessary to say that six-sevenths of the votes given by the voters of said Territory, on the 3rd day of August last, for Delegate to the 44th Congress, having been given for me, to reelect me to, and to continue my services in, that office, the remaining fraction of the votes, given for you, cannot be held, in any event, to have elected you.

GEO. Q. CANNON,  
Claimant.

Dated November 12, 1874.

#### DIED.

Nov. 16th, in his 75th year, THOMAS KING, formerly of Darnford Dale, Cambridgeshire, England, for the last twenty-one years a citizen of Salt Lake City, and a member of the Church of Jesus Christ of Latter-day Saints. A man without guile; little known, but beloved and appreciated by his family and friends. His end, like his life, was peace.—[COM.]

In Shonesburg, of dropsy on the heart. MARTHA, daughter of Edmond and Lany Durfee, and wife of Lyman Stevens, aged 62 years, 11 months and 15 days.

Sister Stevens was born in Lennox township, Madison Co., N. Y., Nov. 17, 1811; was baptized in New London township, Huron County, Ohio, June, 1831; married Lyman Stevens in Kirtland, O., Jan. 21st, 1836; emigrated to Missouri the same year; was driven from the State in common with the Saints, and landed in Quincy, Ill., April 15th, 1839; settled in Hancock County, where she, with her husband, suffered the persecutions that were imposed upon the Saints in that region; was driven from Yebrome to Nauvoo at the time of the burning, soon after which time her father (Edmond Durfee) was brutally massacred by the mob near Bear Creek, while trying to procure something to subsist upon; she was driven with the Saints from Nauvoo; suffered the privations the Saints had to endure, while her husband crossed the burning sands in defence of our country in connexion with the Mormon Battalion; arrived in Salt Lake City, Nov. 17th, 1849; moved to Shonesburg in the Fall of 1862, where she lived until Nov. 2nd, 1874, where

she fell asleep without a struggle, in hopes of a glorious resurrection.—COM.

At Abercrombie, Glamorganshire, Oct 15th, MARY ANN, daughter of Daniel and Mary Lloyd, of cancer in her eye, aged 15 years and 6 months.

She died, as she had lived, a faithful Latter-day Saint.—Millennial Star.

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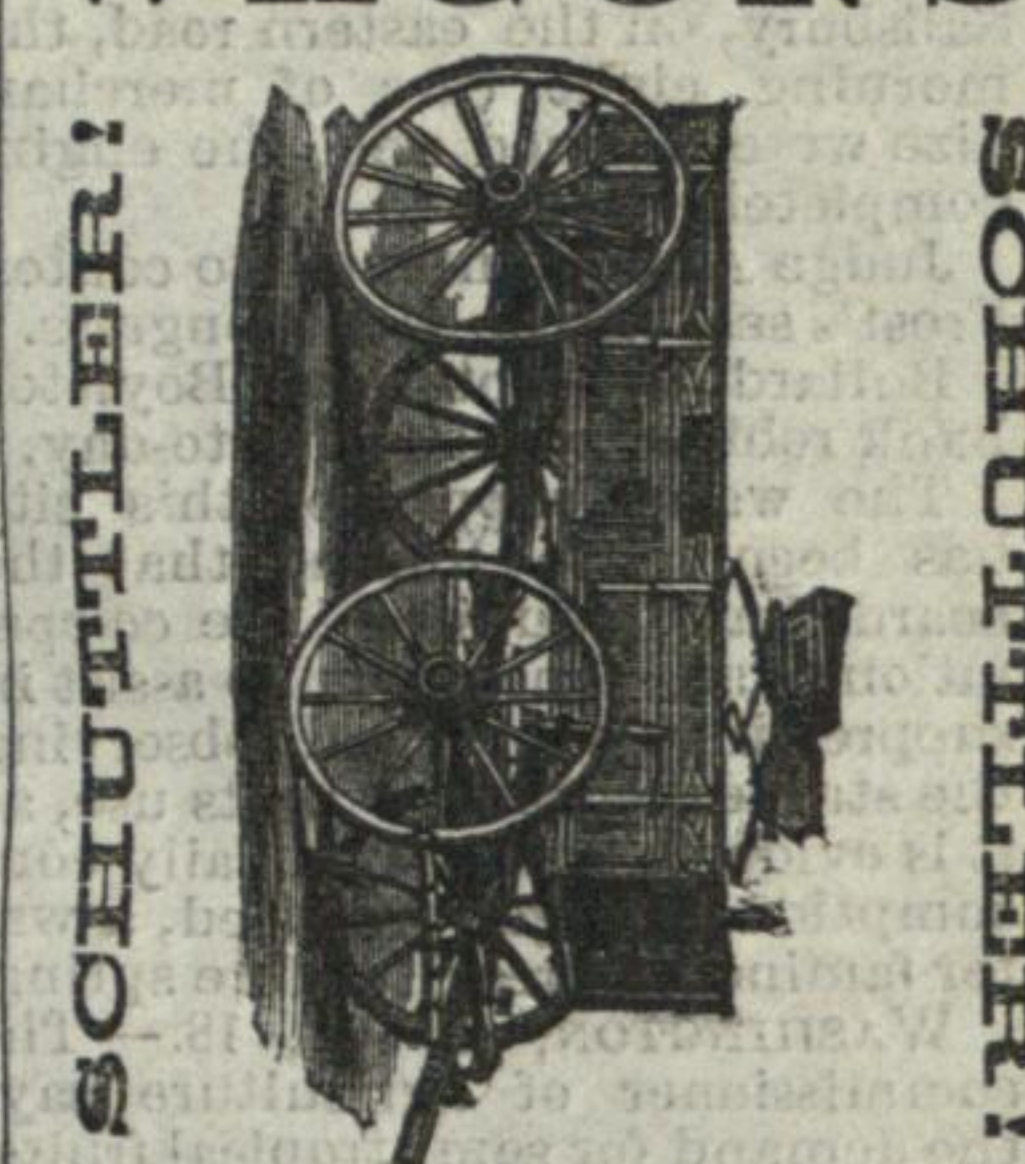
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