nd confess Him and acknowledge Him in all things, do it at the risk f their reputation, and, some of hem, even of their rights as Ameri-an citizens. What the result of all his will be is already written; and t will come to pass as sure as the ord hath spoken it.

I rejoice in the Gospel of the Son f God as He has revealed it in this ur day; I rejoice in the organization f the Church and Kingdom of God, nd in the revelations of heaven. I ead them with a great deal of inter-st, for I know they are true; and, herefore, I look forward with assur-nce to their fulfilment in the earth. Ve have but a little time to spend n earth even though we live to be hundred years of age, and we ave no time to waste. We should ve in such a manner that the Spirit nd blessing of God may attend us; nd then when we cease our labors ere we shall pass hence to continue iem in the same cause of salvation nd redemption, and all will be well ith us. Amen.

TAH CONTESTED ELECTION CASE.

(Continued.)

The following facts, which are ertinent to the inquiry now in and, are found from the foregoing xtract:

1. Polygamy is the basis a fanatical hier-chy which is antagonistic to our institu-ons and laws, and no one who is subject to can be well disposed toward the Govern-ent of the United States.
2. It is a disgrace to our civilization and of-nsive to the moral sense of mankind.
3. It breeds open defiance of our laws, and nders a republican form of government im-ssible where it prevails.
4. It is hostile to civil society, and fatal to e welfare of the State.

IS MR. CANNON A POLYGAMIST?

We next inquire is Mr. Cannon a olygamist? That he is, in the ful-est, broadest, and most complete nse, is proven by his own confes-ion, over his own signature, in the ollowing language:

n the matter of George Q. Cannon. Contest of Allen G. Campbell's right to a seat in the House of Representatives of the Forty-seventh Congress of the *United States*, as Delegate from the Territory of Utah:

I, George Q. Cannon, contestant, protest-ng that the matter in this paper contained is ot relevant to the issue, do admit that I am member of the Church of Jesus Christ of atter-day Saints, commonly called Mor-ons; that in accordance with the tenets of id church I have taken plural wives, who ow live with me, and have so lived with me r a number of years, and borne me chil-ren. I also admit that in my public addres-s as a teacher of my religion in Utah Ter-tory I have defended said tenet of said urch as being in my belief a revelation om God.

GEORGE Q. CANNON.

This paper was given by Mr. Can-on to prevent the contestee from oing into the proof fully and quarely, which he proposed to do by alling witnesses who would have een compelled to disclose the facts. The paper was intended to be an nqualified surrender and agree-nent as to the fact of his being a polygamist in the broadest sense, nd must be so considered. It there-ore distinguishes this contest from ll those that have preceded it, in which this question of polygamy was raised. In the last contest which Mr. Cannon had with Mr. Maxwell, n the Forty-third Congress, (1874,) he denied most emphatically that he was "living with four wives or living or cohabiting with any wives n defiant or willful violation of the aw of Congress of 1862." He de-nied that he was then "living, or had ever lived, in violation of the laws of God, man, his country, de-cency, or civilization, or of any law of the United States." These broad denials on the very issue which was the chief one involved in that contest, doubtless had a great deal to do with the finding in Mr. Cannon's favor.

But in this contest we have not only no denial, but an open confession. We have a man knocking for admission at our doors who is a con essed preacher and practicer and apostle any defender of polygamy in its most odious form; who, in obedience to the doctrines of that church, which he claims teach that it is right and righteous to marry more than one wife, has taken plural wives and lived and cohabited with them, and they have borne him children, and who has taught and teaches this doctrine as a revelation from God. The plain and unambiguous question now is whether such a man, under the law of the land and the customs and prerogatives of this House, is qualified to hold a seat as a Delegate from the Territory of Utah?

The Parliament of England, one of the greatest legislative bodies on the earth, has just expelled by an overwhelming vote a person who sought to hold a seat among its members because in the light of this Christian century he profanely avowed his disbelief in the existence of a God. This could not have been done in this government, under whose Constitution "no religious test shall ever be required as a qualification for any office under the United States." But polygamy has been held by the Supreme Court of the nation not to be religion, but a crime.

Chief-Justice Waite, in delivering the unanimous opinion of the court in Reynolds *vs.* United States, after fully defining what is the religious freedom which has been guaranteed under the Constitution, says:

Polygamy has always been odious among the northern and western nations of Europe, and, until the establishment of the Mormon Church, almost exclusively a feature of the life of Asiatic and African people. At common law the second marriage was always void, (2 Kent's Com., 79,) and from the earliest history of England polygamy has been treated as an offense against society. After the establishment of the ecclesiastical courts and until the time of James I, it was punished through the instrumentality of those tribunals, not merely because ecclesiastical rights had been violated, but because upon the separation of the ecclesiastical courts from the civil, the ecclesiastical were supposed to be the most appropriate for the trial of matrimonial causes and offenses against the rights of marriage, just as they were for testamentary causes and the settlement of the estates of deceased persons. By the statute of 1 James I, chapter 11, the offense, if committed in England or Wales, was made punishable in the civil courts, and the penalty was death. As this statute was limited in its operation to England and Wales, it was at a very early period re-enacted, generally, with some modifications, in all the colonies. In connection with the case we are now considering, it is a significant fact that, on the 8th of December, 1788, after the passage of the act establishing religious freedom, and after the convention of Virginia had recommended, as an amendment to the Constitution of the United States, the declaration in a bill of rights that "all men have an equal; natural, and inalienable right to the free exercise of religion, according to the dictates of conscience," the Legislature of that State substantially enacted the statute of James I, death penalty included, because, as cited in the preamble, "it had been doubted whether bigamy or polygamy be punishable by the laws of this Commonwealth." (12 Henning's Statute, 691.)

From that day to this, we think it may be safely said, there never has been a time in any State of the Union when polygamy has not been an offense against society, cognizable by the civil courts, and punishable with more or less severity. In the face of all this evidence, it is impossible to believe that the constitutional guarantee of religious freedom was intended to prohibit legislation in respect to this most important feature of social life. Marriage, while from its very nature a sacred obligation, is nevertheless, in most civilized nations, a civil contract, and usually regulated by law. Upon it society may be said to be built, and out of its fruits spring social relations and obligations and duties with which government is necessarily compelled to deal. In fact, according as monogamous or polygamous marriages are allowed, do we find the principles on which the government of the people, to a greater or less extent, rests. Professor Lieber says polygamy leads to the patriarchal principle, and which, when applied to large communities, fetters the people in stationary despotism, while that principle cannot long exist in connection with monogamy. Chancellor Kent observes that this remark is equally striking and profound. —(2 Kent's, Com., 81, note c.)

Under the facts and the law thus clearly laid down, will it be just for this the highest legislative tribunal of this great Christian Republic to admit to its membership one who openly and unblushingly charges God with inspiring and revealing and commanding to be preached and taught among men a doctrine not only of filth and lust, but of hostility to our Government and defiance to our laws; a doctrine which profanes and defies the pure and holy law which binds the families and forms thereby the great foundation of social virtue on which a free nation must rest; a doctrine which insults the sacred titles of mother, and wife, and sister and daughter; a doctrine which ignores the mighty progress of mankind and defies the civilization and literature and philosophy which Christianity has brought to light among men.

WHAT QUALIFICATIONS MUST A DELEGATE HAVE?

But notwithstanding that polygamy is an institution of the character we have stated, and that Mr. Cannon is its representative, it is contended that under the Constitution and law we have no right to refuse him a seat as Delegate from Utah. This leads us to enquire into the powers of Congress over the Territories, and how far this House has the right to prescribe qualifications for the admisson of Delegates therefrom.

The only portion of the Constitution of the United States which refers to the Territories is article IV, section 3, clause 2, which provides:

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

This clause of the fundamental law has received the most learned and elaborate consideration by the Supreme Court, in Scott vs. Sandford, (19 Howard 393, &c.,) wherein, after going fully into the whole history of the Territories from the time of the first cession to the Government it has held that this clause—

Applies only to territory within the chartered limits of some one of the States when they were colonies of Great Britain, and which was surrendered by the British Government to the old confederation of the States in the treaty of peace. It does not apply to territory acquired by the present Federal Government by treaty or conquest from a foreign nation.

To all other territory it is held that the Constitution does not extend, and cannot be extended by Congress, except in so far as Congress may enact the provisions of the Constitution into a part of the organic law of such Territory. This has been done in regard to Utah: first, by the act of Congress which organized that Territory, and which provides 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 provision thereof may be applicable;" and second, by the Revised Statutes, section 1891, which provides, in somewhat different language, but of the same purport, that "the Constitution and all laws of the United States which are not locally inapplicable shall," etc.

The Constitution and all the laws of the United States are, therefore, a part of the statute law of the Territory of Utah, so far as they are applicable locally to that Territory.

Now, what was the design of the framers of the constitution in reference to the Territory which they provided for in the clause which we have quoted above? The history of the subject clearly shows that they intended to commit the unorganized Territories wholly to the discretion and unlimited power of Congress. This is so decided by the courts in all the cases in which the subject is considered; this was so held in Scott vs. Sanford, (*supra*,) and Judge Nelson, in Benner vs. Porter, 9 Howard, 235, says:

They are not organized under the Constitution nor subject to its complex distribution of the powers of government or the organic law, but are the creatures exclusively of the Legislative department, and subject to its supervision and control.

It is held by Judge Story that:

The power of Congress over the public Territories is clearly exclusive and universal, and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions, or by the ordinance of 1787, under which any part of it has been settled. (Story, Constitution, section 1328, Rowle, Constitution, page 237; 1 Kent's Commentaries, page 243.)

The Supreme Court of the United States, in a very recent case, says:

The power is subject to no limitations. (Gibson vs Chouteau, 13 Wall., 99.

See also Stacey vs. Abbott, (1 Am. Law, T. R. 84), where it is held by the supreme court of one of the Territories that they "are not organized under the Constitution; they are exclusively the creatures of Congress."

But there is something more shown by the history of the clause in the Constitution in reference to Territories and the decisions of the courts thereon. It is clear from both these that it was never intended that the status of the Territories should in any respect approach so near the character and position of sovereign States as to require that whatever agents these Territories might be entitled to on the floor of Congress should have the status and qualifications of members of Congress. The Territories, in the minds of the framers of the Constitution, had none of the rights and attributes of the States.

From the commencement of the Revolutionary war serious difficulties existed between the States in relation to the disposition of large and unsettled territories which were included in the chartered limits of some of the other States. Some of these States, and particularly Maryland, which had no unsettled lands, insisted that as these lands were wrested from Great Britain by the common endeavor and by the common expense and in a common cause that the moneys arising therefrom ought to be applied in proper proportions between the States to pay the expenses of the common war, and not be used by the States within whose chartered limits they happened to be. These contentions were the source of great uneasiness to those who particularly desired the continuence and prosperity of the Union. The Confederate Congress, September 6, 1780, passed a resolution strongly urging the State to cede these lands to the Government for the purpose of maintaining peace and to secure the public credit in carrying on the war. On October 6, 1780, Congress passed another resolution, pledging itself that if these lands were ceded as requested by the September resolution, that they should be disposed of for the common benefit, and be settled and be formed into distinct republican States, which should become members of the Federal Union and have the same rights of sovereignty and independence and freedom as other States. These controversies in reference to the territories continued down to 1784, when Virginia ceded the vast territory lying northwest of the Ohio River. The only object of the State in making this cession was to put an end to the threatening and dangerous controversy and to enable Congress to dispose of the lands and appropriate the proceeds as a common fund for the benefit of the States. This was the state of affairs when the Constitution of the United States was formed. It was necessary that the lands thus ceded should be sold to pay the common debt of the war, and that regulations should be made for their management and control until sold or otherwise disposed of. Besides these ceded territories there were arms and munitions of war and various property which came to the United States from the several States. It was necessary then to provide for these in the new government about to be formed under the Federal Constitution, and the clause was inserted which gives Congress the power "to dispose of and make all needful rules and regulations respecting the territories or other property belonging to the United States."

This provision had a plain, palpable, unmistakable purpose, which was to provide for the sale and control of the Territories ceded to the United States by the States for the purpose of the cession.

The Chief-Justice, in Scott vs. Sandford, says in reference to this clause:

It begins its enumeration of powers by that of disposing, in other words making sale, of the lands or raising money from them, which, as we have already said, was the main object of the cession, and which, accordingly, is the first thing provided for in the article. It then gives the power which was necessarily associated with the power of disposing of the lands—that is, the power of making needful rules and regulations respecting the Territory. And whatever construction may now be given to these words, every one, we think, must admit that they are not the words usually employed by statesmen in giving supreme power of legislation.

It must not be forgotten, too, that Territorial representatives had been sent from these Territories while they yet belonged to the States; that a Territorial form of government had been expressly provided by the confederation under the ordinance of 1787, and that this act without any change or modification had been re-enacted in 1790 under the Federal Constitution by Congress. Territorial Delegates were therefore not unknown when the Constitution was framed. Why were they not mentioned? Why no qualification fixed if they they were to have any but such as Congress might see fit to provide? No other parts of the Constitution were made to apply to the Territories except the clause we have quoted. On the contrary, they were spoken of as property, and power was given to Congress to dispose of them as property, and to make all needful rules and regulations respecting them as other property of the United States. They were put in the same category with the other chattels of the Government. There is, therefore, nothing in the Constitution which will justify us in believing in the light of its history the qualifications of agents who might be appointed to look after the interests of the Territories on the floor of Congress should be the same or even like those of members of Congress. This is so, we maintain, with regard even to that Territory over which the Constitution extends directly and immediately, because it was within the control of the Government at the time the Constitution was framed. If, therefore, the Constitution did not contemplate the requirement of such qualifications for Delegates as agents of the Territory within its immediate purview, with much less plausibility can it be contended that it should require them where it is only extended as a part of the statute law.

It is also important to observe the wide distinction which Congress has always made between the powers and status of a member of Congress and a Delegate from a Territory.

A member of Congress is sent by a State, by virtue of its irrefragible right to representation under the Constitution of the United States. This right Congress cannot abrogate or control or limit or modify in any way.

A Delegate is an agent of a Territory, sent under the authority or permission of an act of Congress. This right or permission is subject to the merest whim and caprice of Congress. It can be utterly wiped out or modified or changed just as Congress may see proper at any time.

A member of Congress must have certain qualifications under the Constitution.

A Delegate need have none but what Congress sees fit to provide.

A member of Congress is the representative and custodian of the political power and interests of a soverign State, which is itself a factor and part of the Government.

A delegate has no political power, but is only a business agent of the Territory for the purest business purposes. Chief Justice Marshal, in discussing the power of Congress to govern the Tesritories, in Insurance Company vs. Carter, 1 Peter 511, says, in reference to the people of Florida: "They do not, however, participate in political power; they do not share in the Government until Florida became a State; in the mean time Florida continues to be a Territory of the United States, governed by virtue of the clause in the Constitution." He has no right to vote or aid in shaping the policy of the Government in war or peace.

A member of Congress is an officer named in the Constitution of the United States, and contemplated and provided by the framers thereof at the time of the organization of the government. He is a constitutional officer.

A Delegate is not a constitutional officer in the remotest sense. There were no Delegates mentioned or thought of by the framers of the Constitution.

A member of Congress is chosen under section 2, article 1 of the Constitution, which provides that—

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. No person shall be a representative who shall not have attained the age of twenty-five years and been seven years a citizen of the United States, and who shall not when elected, be an inhabitant of the State in which he shall be chosen.

This specifically and definitely and indubitably fixes how and where and by whom members of Congress shall be chosen and what qualifications they must imperatively have. "No person shall be a Representative," etc., without these qualifications.

A Delegate is chosen under section 1862 of the Revised Statutes which provides that—

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 of 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.

This fully and very clearly provides how Delegates shall be chosen and what power they shall have, but does not exact or provide any qualifications or hint at any. This is the same provision substantially which has been made for Delegates from 1787 down to this time. The provision in the act of July 13, 1787, for the government of the Northwest Territory, is that the joint assembly of that Territory "shall have authority, by joint ballot, to elect a Delegate to Congress who shall have a seat in Congress with the right of debating, but not of voting."

These few marked points of distinction between the two offices not only show that the constitutional qualifications for members do not apply to Delegates, but that none of the legislation which has ever been enacted on the subject seems to have been founded on the belief that they did.

Mr. Atherton and Mr. Jones, with three other members of the Committee on Elections, urgently recommended the admission of a Delegate from the Territory of Alaska. In their report making this recommendation, they say:

Its people ask protection and consideration, and to this end have elected and sent here a Delegate to represent them in this Congress and bring before Congress the wants of this Territory. He bears with him the credentials of election and a certificate that he was so elected, not bearing, it is true, the seal of a State nor the signature of a governor. The people have neither, nor does the law require that he should present such a certificate. He is not a Representative but a Delegate, delegated by the inhabitants, who have been guaranteed the rights of all other citizens, and to his qualification to be so admitted this House is the sole and only judge. Congress has done so before, and in support of this, ever unwilling to deprive any people of their civil and political rights, and where these rights exist, although for a time suspended, there must be a remedy, and that remedy