

and House of Representatives who advocated the former anti-polygamy act. All the objections to those measures on the ground of their violation either in letter or spirit of the fundamental freedom of religious opinion and worship invariably met with the emphatic declaration that they did not interfere with liberty of conscience, that the actions of men and not their opinions or religious creeds were the proper subjects of legal animadversion. But the spirit of persecution, like jealousy, grows by what it feeds on, and at length has assumed such monstrous proportions that would have appalled its projectors at the beginning so that according to the bard of Newstead 'Honest and devout Christians have burnt each other, quite persuaded the apostle would have done as they did.'"

Mr. Caine quoted largely from the supreme court decisions statements made by Senators and Representatives in Congress and from official reports of the Utah Commission to show that the legislation of Congress was not enacted against the religion of the Mormon people but solely for the suppression of polygamy, and argued that there was no necessity for such a palpable departure from former methods.

"There is no rebellion in Utah," Mr. Caine said, "no insurrection; the people are orderly, peaceable, industrious and honest. It has been shown by official reports that during the last two years or more polygamous marriages have been as rare in Utah as bigamous marriages in any other state, but it would seem the nearer the people approach to compliance with the requirements of the law, the more they are to be harassed, distressed and persecuted. Is this just? Is it compatible with the character of a great and magnanimous nation to trample on the weak? We might reasonably expect from some of the agitators and adventurers of the far west who have rhinoceros hides and India rubber consciences who think that the Mormons have no rights others are bound to respect, should a t upon the principle of the doggel poet:

The Mormon people are quite appalling.
Knock them down and kick them for falling.

But it is to be hoped that enlightened statesmen will be governed by higher, more generous and magnanimous views. Consider what kind of a republican form of government you will have in Utah with three-fourths of the men, women and children disfranchised. The autocracy of Russia, the despotism of European states would deserve the name of a republican as well as such government."

Referring to the enfranchisement of the slaves of the South, Mr. Caine said: "It is a sad commentary upon the spirit of our times to note the fact that on Wednesday last, while the colored people of this district were celebrating their emancipation from slavery, this committee was gravely considering a measure which would condemn to political slavery without a hearing, without conviction, a quarter of a million white American citizens,

most of whom are not even accused of any crime. This kind of suasion has been tried upon people by the British government for centuries, and we all know the result, and it will fail wherever it may be attempted."

Mr. Caine referred to the legislative commission scheme of years ago and quoted Senator Edmunds' views upon it as published in the *New York Independent*, and claimed that they were equally applicable to the bill now before the committee. He quoted from the debates in the Senate during the passage of the Edmunds-Tucker bill and cited Senator Edmunds as saying "that upon a universally recognized principle we would not undertake to interfere with anybody's faith, doctrine and worship," and added: "Now, will any person presume to say to me that I am not interfered with when I am disfranchised because I am a member of a certain order, organization or association? I think not. I am not a lawyer, but I hold such interference to be a violation of the Constitution because prohibiting the free exercise of religion. A man who is disfranchised is not free in the exercise of anything."

The speaker then referred to the efforts made by the non-polygamous Mormons to place themselves in harmony with the rest of the nation. He showed that the constitutional convention of Utah had placed an anti-polygamy clause in the constitution which the people ratified. The marriage law passed by the legislature and the resolution of the same body favoring "the enforcement of the anti polygamy laws as other laws are enforced, and that all such offenses be prohibited." He quoted statistics which showed that only six convictions for polygamy or bigamy had occurred in the whole territory of Utah during the year 1889, which included non-Mormon bigamists as well as polygamists, and this, too, notwithstanding the fact that the juries are especially charged to use great diligence in making inquiry into the offenses of polygamy and unlawful cohabitation. Thus United States marshals and their deputies resort to all means, legal and illegal, to hunt up Mormons suspected of polygamous offenses. Many arrests of innocent people are made, and though the marshals fail to secure convictions, they never fail to secure the fees. Of course deputy marshals must live, and Mormons have no rights and they have few friends, so they become an easy prey to the fee fiends.

"Gentlemen," the speaker said, "tear from this proposition the veil of pretense. It is not to punish polygamists for every such offense, suffering all the pains, penalties and disabilities intended to be inflicted by this measure. The only persons affected by it are those who have obeyed every law of their country, who have subscribed to every required test, who have given and are daily giving evidences of their love for this government. The title of this bill should be changed to read, 'A bill to punish loyalty,' for it

seeks to condemn to perpetual serfdom a class of citizens who have transgressed no law and whose political fault, if any, has been trustfulness in the national government. When this era of proscription for Utah commenced, the loudly proclaimed intention was to bring the younger generation into accord with the government. In good faith they accepted the government's regulations. They subscribed to the oaths and obeyed the laws, and disfranchisement is the proposed reward. It is breaking faith without the poor excuse, doing evil that the good may come. Mormon prisoners when before the courts charged with polygamous offenses have repeatedly been told by the judges that all the government requested was that they should promise to obey the law, that the government did not desire to wreak vengeance upon them but to correct their morals; that if they would promise to obey the law in future they would escape with a nominal punishment. How different the spirit of the measure under consideration! Not only are men to be disfranchised who have never broken any law but who have registered an oath they would not do so hereafter.

"An astonishing element in this matter is that the measure is seeking enactment without the endorsement of any party in Utah or the other territories. Who wants such legislation? Who asks for it? No one who has any direct interest in this question. A few days ago I enquired of the governor of Utah, who is here, and he stated emphatically that he was taking no part and would not do so one way or another. Prominent men here from Utah equally are reticent—"

At this point Delegate Dubois interrupted the speaker and said that Governor Thomas, ex-Governor West and members of the Utah commission who were here all favored the bill and thought it should become a law; that Governor Thomas had made such a statement before two or three members of the committee.

Mr. Caine replied he would only repeat what Governor Thomas had said to him, that he (Thomas) had talked the matter over and had decided to take no part either for or against the bill and then remarked: "The committee have now both statements before them and can judge what kind of a man Governor Thomas is."

"I have heard this bill originated with a certain Utah 'Liberal,' whose hatred for the people of that Territory has doubtless been increased because his own party, now partially in power there, has seen fit to ignore him. It is said that he contemplates leaving Utah and wants to fire this poisoned arrow that he may be remembered. This man represents no other but himself. He has been recognized for years as a bitter, bigoted and fanatical enemy of the Mormon people. Is this a proper source from which to receive inspiration for legislation? would you strike down a whole people at the suggestion of their most pronounced and bitterest ene-