

Church." In reply to this Judge Wilson said:

"I was surprised that a gentleman of his obvious intelligence should state this. They are under the control of the Church in such sense as the schools are under the control of the Church anywhere else where the adherents of a particular church form the preponderance of the people.

"That these schools are under the control of the Church in any other sense or way I utterly deny, and I deny that any religious creed is taught in them; he does not even assert that it is.

"They are essentially and emphatically public schools, open to the children of all. Does Mr. Ferry deny that they are thus open? No; he admits that they are. He complains that he pays taxes but don't get the benefit of the schools. He pays taxes just as other people pay taxes, and if he don't get the benefit of the schools it is only because he don't see fit to avail himself of them. And this same thing is happening, as we all know, in localities where it cannot be attributed to 'Mormonism.'

"Again, he says that they hold religious services in their school-houses. That reminded me of my boyhood days, in a locality not as far off as Utah, where every Sunday the school-house did duty as a church, and it never entered the mind of any one that there was any impropriety in using it for religious services. Nor did any one ever suspect that if a particular denomination preponderated that fact made the schools that were taught there any the less public schools, or evidenced that they were controlled by the church that happened to be the leading church there."

Judge McBride's references to the troubles in Ohio and Missouri were next handled without gloves, and the speaker remarked:

"The judge evidently is of the most intensely orthodox school, for he would, if he could, visit the iniquities of the fathers upon the children unto the latest generation.

"And he gravely tells you that thirty years or more ago the 'Mormons' of that day were in open rebellion against the United States, and that that is an evidence that these people of today have no sympathy with the government. He uses that in this presence, forgetting the dreadful history of twenty-five years ago, forgetting that the policy of this government has been just the reverse of the one he desires you to adopt, a policy of oblivion, a policy of trust, a policy that has reunited in sentiment and sympathy a great people, and must ever be regarded a victory of peace incomparably grander than any achieved in war.

"Such objections as these assert their own unworthiness, but they are useful, and useful only in that they show to what trivial and transparently inconsequential things our opponents are driven to resort as an aid to what I understand to be their chief objections."

Coming down to the only real

question at issue Judge Wilson analyzed the polygamy objection and the figures in the reports of the Utah Commission and the Attorney-General's report of convictions under the Edmunds act, and argued:

"Now, if it appeared that 1½ per cent or 2 per cent of the adult population in the course of a period of three years had been guilty of even rape, arson or murder, you would not treat as outlaws, and as being unworthy of political association, 98 per cent of good law-abiding people because 2 per cent were guilty of crimes. If the cities of the plain could have shown ten just persons they would have been spared, and Lot's wife would not have become a pillar of salt."

The learned judge enlarged upon this subject at considerable length, showing that there had been only ten convictions in three years for polygamy; the others were for unlawful cohabitation; and after replying to several questions, said:

"Polygamy is a crime denounced by the statute, and you say it is an offense against morals. Be it so. Then we have it that there is a community of 210,000 people splendidly equipped for State government; 2 per cent of 35,000 of them have committed, or, if you will have it so, are committing today that offense against law and morals. I think I can safely say that not one of you would entertain for a moment the thought of excluding such a community for an opinion; you might exclude a community for prevalence of crime, but not for opinion."

Mr. Baker—I believe you make out 500 cases of indictment in about three years?

Mr. Wilson—Between four and five hundred convictions.

Mr. Symes—That is very nearly 200 cases a year. There is only one district attorney. Now, how many cases do you think a district attorney could try and get an indictment for?

Mr. Richards—He had three or four assistants. There are four places for holding district courts.

Mr. Symes—Well, that changes it.

Mr. Mansur—In the whole Indian Territory up to Oklahoma, occupied by civilized tribes, and including less than 10,000 white people in No Man's Land, which is part of the contemplated Oklahoma, there were 360 murders last year. How would that compare with Utah?

Mr. Wilson—I think it is a worse state of affairs than you can find in Utah, unless you make polygamy worse than murder.

The Governor here thought he would show his gubernatorial smartness, and this is how he succeeded:

Governor West—Let me ask you, is it not a fact in the submission of this question that there were thirty-five thousand people of an age to go into polygamy; and is it not a fact that in the submission of this there were only thirteen thousand who were for it? Would not that leave a balance of twenty-two thousand against it?

Mr. Wilson—I say no. It is no evidence at all on the subject. We

are constantly having our attention called to the fact that in some of the districts members are sent here by a very few votes. The voters are there but do not vote. It is no uncommon thing to have it said to a member of Congress on the floor, "Why, sir, you are elected by only a handful of men, a few thousand votes, and I represent a constituency who vote 25,000 or 30,000 strong." Now the answer to it is, "Very well; but that indicates nothing." There was nothing that called upon the people to come out. You gentlemen who are resisting would not vote on the subject, and there being no opposition, the fact that only 13,000 voted signifies nothing. Your argument goes too far for yourself. For if no Gentile voted against, then no Gentiles were opposed to it on your theory of political mathematics.

Mr. Mansur—It was stated yesterday in the House that 31,000 only voted for South Dakota and that 70,000 voted last fall.

Mr. Wilson—I could give numerous instances of a like character, and I say that there is nothing in the Governor's suggestion that would have any weight whatever in my mind, whatever it might have in the minds of others.

On this part of the question the Judge maintained that when analyzed in the light of existing facts, if rejection should ensue it would be rejection solely for opinion. "Turn this about as you will; reason about it from any and every standpoint, you are brought invariably and inevitably to the position as a bottom fact that rejection, if it occurs, must rest upon the religious *beliefs* of these people and not upon actual guilt—upon the sin of wrong *belief* and not the sin of wrong *doing*."

An adjournment took place before the judge could finish his argument. On re-opening he summarized some of his preceding remarks and then took up Mr. Baskin's quotation dodges. He said:

"I know, from what has happened here, that this committee is much better informed upon some things than I am; therefore if I make a mistake, you please correct me. If I rightly remember, Judas Iscariot, after selling his Master for thirty pieces of silver, went out and hanged himself. An able-bodied divine, it is said, read that and then skipped over a few hundred pages, more or less, and solemnly read, 'Go thou and do likewise.'"

"It is said that another muscular divine on one occasion took as his text, 'The wicked flee when no man pursueth, but the righteous is bold as a lion.' This divine, whose orthography was somewhat defective, supposed that that word spelled 'f-l-e-e,' did not represent a 'go-as-you-please' pedestrianism, but that it did represent that agile little animal that makes you swear and then like a coward skips, spelled f-l-e-a; and so he read it to his astonished hearers, 'The wicked flea, when no man pursueth but the righteous, is bold as a lion.'"

"And that is the way with my brother Baskin when he is dealing