

ion, does not claim that the letter of that clause supports the power as to the new Territories. He rests altogether upon its spirit. And he expressly admits that the power is limited by the prohibitions of the Constitution. And although it is certain that the letter of those constitutional provisions which relate to Representatives from the States does not apply exactly to the case of Delegates from the Territories, still it is just as certain that their spirit does. Can a Delegate be admitted who is not a citizen of the United States? Obviously not. And why not? Simply because the spirit of the Constitution forbids it. The Constitution applied to the case, so far as in the nature of things it is applicable, forbids it. And this covers the whole ground. For precisely the same reasons Delegates cannot be admitted who are otherwise disqualified under the Constitution. For precisely the same reasons no qualifications or disqualifications can be prescribed other than those fixed by the Constitution itself without a violation of the spirit of that instrument. Of course the House may have the physical power to exclude a Delegate who has the qualifications prescribed in the Constitution for Representatives, just as it might have the physical power to exclude a Representative so qualified. But it has no such power warranted by the spirit of the Constitution. While in many respects the Delegate differs from the Representative, in this respect they are alike. While in many respects the provisions of the Constitution relating to Representatives are not applicable to Delegates, in this respect they are applicable.

My friend says that some Indian agent has recently recommended the repeal of the law vacating the four Indian reserves of Utah. He does not tell us where we may find this report. But, until he shows either that a recommendation of an Indian agent is operative to repeal a law of Congress or that Congress has been pleased in accordance with such recommendation to repeal its own law, and then further shows that, upon the repeal of the act, these reserves would stand such Indian reserves as are closed against settlement by the whites, until he shall have done all this he will have produced no evidence even tending to show that any votes cast by the occupants of these reserves were fraudulent and void. He seems to think that the very fact that Congress vacated these reserves shows that until vacated they possessed the character of Indian reservations, actually closed to settlers. He overlooks the very words of the repealing act, which are italicized in the contestant's brief, the words "or occupied as such." These words show, of course, that it was no part of the object of Congress in passing the repealing act to say that these reservations had been constituted lawful reservations, under the act of 1853, by an order of the President of the United States.

He asks whether I would say, that if you had a claimant of a seat worthy of expulsion, you must nevertheless first admit him, and then turn round and expel him. If this question shall ever become a practical one, I shall be very ready to answer it. To my mind it presents no embarrassment for the House. But inasmuch as Mr. Cannon is in his seat, and the question is not presented by this case, I will postpone its discussion until it shall be in order.

My friend also complains that an attempt by the contestant to enlist the newspapers in this trial has been mysteriously thwarted, and thinks this proves that the sitting member and his case are enveloped in an atmosphere of diabolism. But I think that the diabolism was in the attempt to use the newspapers for that purpose, and that if any such attempt was made it ought to have been thwarted.

I cannot, I am sure, be required to reply to the fierce diatribes which the counsel, without the slightest warrant of proof in the record of this case, has, out of a well-filled repository of old exploded slanders, seen fit to hurl at the life and character of the sitting member. It cannot be required of me that I should so far forget the difference between the Committee of Elections and a political mass-meeting as to answer such disorderly declamation. I have not heard that the rules of evidence or of procedure heretofore observed by this committee have been abolished for the benefit of the co-tenant in this case. I do not know upon what principle the unsworn hearsay statements of the counsel, whether poured upon us in full volume from the harangues of others, or filtered through a jumbled mass of gossip accumulated in the Territory of Utah, are to be received as evidence in this case. Even though the contestant were as depraved and base as the contestant represents him to be, and the contestant more pure and godly, if possible, than his friends represent him to be, I do not see that you could change your rules of evidence either in favor of the one or against the other. Upon what principle can the contestant present as evidence here extracts from a report made years ago in a contested election case, to which the contestant was not a party, in which he had no opportunity to correct mistakes or disprove falsehoods? Upon what principle of evidence can you receive in this case a story told by Jacob's wife any more than a story told by Jephtha's daughter?

Gentlemen, I have the right to demand—and I do demand—that the agitator of that Co. constitution, to which Mr. Cannon is as loyal and true as the best among you, to which he turns with a trust as unflinching and abiding as your own, under which he has rights as sacred and inalienable as yours, shall be thrown over him to shield him, as the vilest malefactor in the republic would be shielded, from proceedings and punishments not warranted by the law of the land. I have the right to demand—and I do demand—that constitutional law, not popular clamor, justice, not malice, evidence, not slander, shall control the adjudication of this case.

#### The Mormon Question.

What shall be done with the Mormon question? Doubtless Congress will endeavor to answer this question during its rapidly approaching session. That it may not go amiss should be the wish of every

good citizen. That its action may not be altogether wise is the fear of many who understand the present condition of affairs in Utah. There is more in Utah than that of which we hear the most—polygamy. The Mormon question has more than one side. \* \* \*

The one disturbing presence is the Mormon question. What shall be done with it? In our endeavors to solve this problem we must not overlook two facts: First, no Mormon ever emigrated to Utah who did not do so on account of his religious belief. Second, no Mormon believes that polygamy is a crime, notwithstanding it is denounced as such by an act of Congress. In other respects the Mormons are not different from other people. They went to Utah because they were not permitted to live in peace in "the States." They protest against being prosecuted as criminals for practicing polygamy, because they do not believe it is a crime. Taken as a whole, they are an industrious, satisfied, frugal people. They have built their cities, towns, and villages, made their farms and effected their other improvements under great discouragements, but in the belief that they are a "chosen people" They govern their local communities with wisdom, prudence, and success. Their cities, towns, and villages are orderly, and nowhere have I seen the Sabbath more rigidly observed. All business is suspended on that day and all devote themselves to the duties which their church imposes, and except in the matters of which mention will be hereinafter made, all quiet rests within their organization. But they are sadly wrong on the subject of polygamy and this is the Mormon question. What shall we do with it? Shall we enter upon a course of treatment which will bind the Mormons into a restrictive body, filled with religious zeal, and moved with the spirit of martyrdom? This may require a resort to force; and this means an interruption of the same material prosperity which now attends both Mormon and Gentile throughout the Territory. Ill-judged efforts were made by the Federal officials of the Territory some two years ago to crush out polygamy and to destroy the power of the church over the people, by indictments against Brigham Young and other high functionaries for bigamy and murder. Great uneasiness and intense excitement were produced among the Mormons. But Brigham Young told them to remain quiet, "as the Lord would deliver him and the Saints from the persecutions of the ungodly." When the Supreme Court of the United States in Engelbrecht's case decided that the mode of selecting juries in the proceedings against the Mormons was contrary to law, Young had but to point to that result as a fulfillment of his prediction, and then move on in his course with a firmer hold on the faith and obedience of his people than ever before he had possessed. The effort to dispose of the Mormon question was an unfortunate one and ended disastrously. Would it be wise to make others of like character? *Cor. Chicago Inter-Ocean.*

#### WASHINGTON NOTES.

From the Washington Star, September 15—

An order has been sent to Rear Admiral Almy at San Francisco, it is understood, to have the *Benicia*, now at Honolulu, fitted up in a suitable manner to convey his Majesty King Kalakaua, of the Hawaiian Islands, to the United States. It is believed that the King will also visit Europe before his return to the islands.

The War department has issued an order concerning traveling allowances to the effect that when delays at hotels are incident to, and necessary for, the performance of the duties for which the travel is ordered, charges for hotel expenses will be allowed, not extending beyond seven days at any one place, and not exceeding five dollars per day; and no allowance will be made for hotel bills beyond the amount actually paid.

From the Washington Star, September 18—

A general order just issued from the War Department directs that clerks in the supply department, officers of the army and chiefs of the bureaus of the War Department must observe the rule that applications for opinions or decisions upon questions relating to official business are not to be made to officers connected with other branches of the government without first submitting such question to the head of the department, that it may be transmitted through the regular channels. The practice now existing in some of the bureaus of the department to the contrary must cease.

—Reports received at the Agricultural Bureau, Washington, D. C., show, for this year, fair crops of wheat, potatoes and hay and half a crop of tobacco.

READ the advt. of Howard & Co., of New York, concerning Waltham Watches, and send for their new descriptive price list.

SEE notice of application for the disincorporation of Kanab Agricultural Association.

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