(Continued from page 1.)

BOLD WORDS.

DELEGATE RAWLINS' SPEECH.

ution which the gentleman from Vermont [Mr. Powers] suggests.

Several members: Let it be read.

Mr. Powers: The amendment which I propose is to add after the word "worship" in the nineteenth line, page 4 (which is the clause prohibiting certain things) the following words:

"Provided that polygamous marriages shall be never prohibited."

I understand that the gentleman from Utah asserts that this amendment may be made.

The Chairman: The amendment is not in order now.

Mr. Powers: I have suggested this provision for the reason that it seems to me the amendment proposed by the minority of the committee is altogether too cumbersome; there is too much machinery about it.

The Chairman: At the proper time the amendment can be voted upon.

Mr. Hawley moved the floor.

Mr. Rinaker: I would like to ask the gentleman from Utah this question: Is it not a fact that the provisions of this bill, if accepted, will carry into effect the territorial laws until the Territory becomes a state, which will effectually suppress polygamy until the Legislature can act upon it?

Mr. Hawley: The present enabling act as proposed contains a provision which I was about to read. This provision of the enabling act, as proposed by the committee, is that—

"All laws in force made by and Territory or any county or other municipal division of the Territory of Utah, not inconsistent with the Constitution of the United States and the laws of Congress extending the laws of the United States over the Territories of Utah, shall be in force therein until modified or repealed by the action of the Legislature of said State."

Now, the laws to which I have referred, enacted by the Territorial Legislature, will, by the operation of this provision of the enabling act, be continued in force under the state government. It is true that the legislature of the state might if it saw fit repeal or modify those statutes, but polygamy would be unlawful. Polygamous marriages would be invalid, by force of those Territorial statutes upon the passage of this enabling act, without any provision in the Constitution or in the enabling act other than what I have read prohibiting polygamy.

The objection which I have, as I have clearly stated, to the definition of the offense of polygamy in the constitution is that if the provision be adopted by Congress we will have the matter in an unsatisfactory condition, for the reason that it will repeal, for instance, the statutes that I have read enacted by the Legislature of the Territory; because the definition of "polygamy," as contained in the amendment of the minority, is inconsistent with those statutes. It rather tends, in my judgment, to prevent the exercise of the full authority on the part of the state of powers to prevent any revival of this obnoxious institution. And we do not intend—the people of Utah do not intend, to my belief—that it shall be revived.

There is, I think, nobody in the Territory of Utah thus who has any desire whatever to revive it. The leaders of the Mormon Church have solemnly proclaimed and pledged their faith and honor and the faith and honor of the people—the entire people of the Mormon Church—that they will not revive this practice. They did it in the petition for amnesty addressed to the President, and all the leading Federal officials in the Territory joined in a statement that they believed that those men were sincere in asking the President to exercise his clemency in their behalf in accordance with the petition.

There have been no Mormon polygamous marriages in Utah, so far as known, within the last eight or ten years, with few exceptions, and the public declaration of the Mormon Church is that there has been a discontinuance of the practice. The Legislature has enacted every law required for the prevention of the revival of the practice, and in view of those facts no provision is necessary, in my judgment, although I am willing to concede that the amendment proposed by the gentleman from Vermont, which has been read, may be accepted.

Mr. Baker of New Hampshire: [Will the gentleman allow me to ask him a question?

Mr. Hawley: Certainly.

Mr. Baker of New Hampshire: Does not the bill now before the House change the law as to the registration of voters; and if so, please state in what particulars?

Mr. Hawley: It only changes it to this extent: The same method of registration as now provided will prevail. Under the existing statute a man is so entitled to register or vote is required to take oath that he will not commit bigamy, adultery, and various other crimes. It is an extraordinary obnoxious and offensive test to apply to any man.

It is an insult to any respectable citizen. Everybody, in fact, is now entitled to vote. If there are any polygamists there they are entitled to vote under the amnesty proclamation of the President; and to continue that obnoxious provision of the Edmunds-Tucker act would be of no use whatever to the people who desire to get rid of it, for it would be a continuance of an offensive provision which they seek to have repealed. It is a sort of test oath of the most exasperating character created by Congress in one of its exceptionally unwise moods, I may say, and we seek to eliminate it. That is the only effect of the change.

Mr. Bower of New Hampshire: I desire to ask the gentleman to state that its removal will actually make no difference in the registered vote of the population?

Mr. Hawley: Not a bit.

Mr. Van Voorhis of New York: May I ask the gentleman a question?

Mr. Hawley: Certainly.

Mr. Van Voorhis of New York: Suppose the amendment of the gentleman from Vermont is put into the bill, could it be contested without impeachment on the part of the Legislature? In other words, would the constitution then be a penal statute, the violation of which could be punished without an act of the Legislature?

Mr. Hawley: Certainly not.

Mr. Van Voorhis of New York: Therefore, any prohibition of that kind would be dependent on the next Legislature and its action afterwards.

Mr. Hawley: After all, in matter what you require to be inserted in the constitution respecting polygamy, you must go to Congress as the representatives of the people of the Territory of Utah to prevent the revival of the practice.

Mr. Bowers of California: Just the same as any other state.

Mr. Hawley: I would like to ask the gentleman a question.

Mr. Bowers: I yield for that purpose.

Mr. Hawley: I have heard it stated that opposition to polygamy is more prevalent amongst the women than the men in Utah. Is it so?

Mr. Bowers: I have nothing on that question that would be of service to the House.

Upon the suggestion of the gentleman from Vermont [Mr. Powers] I would now to add that other answer, that the Congress would be competent under the provisions of the enabling act without the consent of the United States and the people of said state.

Mr. Washington: Will the gentleman allow me to ask him a question?

Mr. Hawley: Yes.

Mr. Washington: But is not the statement you made still true that no matter what clause is put in the enabling act, in regard to the practice of polygamy, its enforcement must depend entirely upon the Congress of the United States, and that in the end, upon the legislation enacted by the Legislature after the Territory shall become a state and the judges elected by the people of that state after it is a state? Is it not true that the enforcement of the law must depend entirely upon the judges and upon the sentiment of the people backing up the administration of the law?

Mr. Hawley: Oh, yes; it must depend upon the sentiment of the people.

Mr. Washington: And therefore this is unnecessary?

Mr. Hawley: My conception is that it is unnecessary. I am not going to admit the sufficiency of the people I represent to be admitted into the Union by saying that it is necessary. If I believed that it were necessary, I am free to confess that I would not stand here advocating the admission of the Territory into the Union. It is not necessary. The sentiment out there contravenes it.

Now, the people of Utah have more at stake upon this question than gentlemen who represent other constituencies. I have traveled among those people, met them in every locality, discussed questions with them, civil and political. I know them as well as any man can know a people, because I have been with them all my life. I think I understand the sentiment which prevails among those who are uppermost in the councils of the political parties in the Territory, and who would likely dominate its affairs in case it be admitted as a State, and I am prepared to say upon my conscience that I believe those people can be safely intrusted with the full measure of self-government which would be accorded under statehood.

The people of the East are misinformed as to the character, the education, and the intelligence of the people of Utah. I have to select more than a hundred young men, born and educated in that Territory, who would grace the administration of any state in this Union on account of their ability, their learning, and their integrity. You will never have occasion to regret this act. By the admission of the Territory of Utah I believe her people—240,000 in number today, and probably in three or four years with statehood, 300,000—will send to these halls men who will not only do credit to the people they represent, but who will be of service in the affairs of this great nation.

For forty-three years I have lived under a territorial form of government. I have longed for the conditions to come when those people could be admitted within the Union of the states and be permitted to participate in the affairs of the nation.

Generations have passed away under the territorial form of government. Men who do not live under that form of government little know the disadvantages it entails upon the people living under it. Men are sent to them to rule over them who are there no responsibility, who are little acquainted, they care either or their surroundings, and however (as) may be the conduct of those rulers, it is indeed difficult to make men feel quite very moderate or appreciate the situation. How little of independence is possessed today by the people of Utah is evidenced in a memorial, the statements of which, as they are quoted to myself I know to be accurate. I will attempt to make a few statements contained in this memorial.

The president, the governor, the secretary of the Territory, district judges of the same, the marshal, the public prosecutor and his assistant, the superintendent of Indian affairs, and all of superintendents of Indian reservations in the Territory are appointed by a distant tribunal. Not a single officer of the Territory is a resident of it nor is he in any way connected with the people he governs.

The governor has the pardoning power of all offenses, the treasury, the governing board of the penitentiary, and, when the Legislature is not in session, he controls the militia, the appointment of officers, and all expenditures. The governor has a veto power over all legislation. The secretary is also acting governor in the absence of the governor. The marshal is the executive officer of the Territory, and presents the laws. The district attorney represents the government in the courts. The superintendent of Indian affairs and superintendents of Indian reservations have charge of the Indians, and have much influence with the governor. The superintendent is a resident of the Territory, but the others are not. The judges are appointed for four years, and are those who have held the offices of judges in the Territory for years. The district attorney is appointed for four years, and the marshal for four years. The secretary is appointed for four years. The governor holds office for four years, unless sooner removed. The governor is also commander of the militia, and has the appointing power of all officers of the militia. The governor is also ex-officio superintendent of Indian affairs, and has the appointing power of all officers connected with the Indian service in the Territory