HENCE THIS SADNESS.

The setting sun gilded her soft brown hair,
And mellowed the grief in her luminant eyes,
Then reddened with blushes her bosom fair
And sank in a blaze of luxuriant dies.

Yet the sun comes up with the coming morn,
And the west will flame again, as of yore;
But a hope once set is never reborn,
And a heart that is broken is dead evermore.

So the maiden moaned with the morning trees,
And lifted wet eyes to the rising moon,
And whispered her woes to the whispering breeze—
She must wear her spring hat till the end of June.

—*Cincinnati Times.*

NO.

This no is a resolute word!
That 'tis oftentimes right to say;
When the voice of the tempter is heard;
Say no! as thou turnest away.

This no is a resolute word,
And oftentimes wrong to say—
When the heart with emotion is stirred
For the needy, O turn not away.

Say no to the follies of youth,
And no to the errors of age;
But yes to the teachings of truth—
That ought all our moments engage,

—*Mrs. M. W. Curtis.*

SPEECH OF MR. CROUNSE

On the Poland Utah Bill, in the U. S. House of Representatives, June 2nd, 1874.

Mr. CROUNSE. Will the gentleman [Mr. Poland] allow me a single remark?

Mr. POLAND. Not a word.

Mr. CROUNSE. I hope the previous question will not be sustained. This bill is too important to be forced through under the previous question. It ought to be amended before it passes, if it passes at all.

The SPEAKER. The gentleman from Vermont withdraws the motion to re-commit, and asks the previous question on the passage of the bill.

Mr. MCKEE. Will not the gentleman from Vermont permit me to move as a substitute for the pending bill one of his own bills?

Mr. POLAND. No, sir.

Mr. ELDREDGE. I appeal to the gentleman from Vermont not to insist on the previous question. The gentleman from Utah is here, and has a right to be heard upon a measure affecting his own people as this does.

Mr. POLAND. I will give the gentleman from Utah three-quarters of the remaining hour. I would be glad to allow more time for discussion on this bill, but at this stage of the session it is impossible.

Mr. ELDREDGE. Three-quarters of an hour would scarcely give the gentleman from Utah time to review the provisions of this bill. It is one that vitally affects the interests of his people, and I think he ought not to be cut off from the oppo tunity of debate.

The previous question was seconded.

The main question was then ordered.

The SPEAKER. the gentleman from Vermont now has one hour to close debate.

Mr. POLAND. I yield three-quarters of the remaining hour to the Delegate from Utah, either to use himself or to yield to others.

Mr. CANNON, of Utah. I yield ten minutes to the gentleman from Nebraska [Mr. CROUNSE].

Mr. CROUNSE. Mr. Speaker, as a member of the Committee on the Territories I have had some opportunity to consider the questions involved in this bill, and I did hope that the opportunity would present itself when I might present to the House some of the considerations which are here involved and which relate to the details of this bill. In the consideration of a question so important as this the House cannot afford to be swayed or governed by passion or prejudice. Standing up here in defense of what I believe to be proper system of law for the government of this Territory, I wish to disclaim in advance any disposition to defend the system of polygamy. I am not here for that purpose, but I am here to join hands with all who wish to put down this system by proper and legitimate means.

Sir, we should not confound this question of polygamy with the question of framing a proper system of laws to govern the Territory of Utah. Our action upon this bill will become a precedent for the future. If, to-day, we can, under the guise of an assault on Mormondom frame a system of laws which in the future may be evoked as a precedent in order to oppress people of other territories, it would be indeed a dangerous step for us to take. I regret, sir, the sentiment that I see displayed around me. Within the hearing of my voice, when I was contending here that this bill should be submitted to proper consideration by the House and that the previous question should not be insisted on without full discussion of its several provisions, I heard gentlemen say that they did not care what was in the bill; that they were going for it anyhow. Sir, if we act in such a spirit as that, what hope is there for any people who are to be run down by the United States government?

Upon the question in relation to the government of the Territory of Utah the gentleman from Vermont [Mr. Poland] seems to have identified himself with the subject from the very outset. The annals of Congress show that each session a "Poland bill" has been introduced. It is generally introduced on the first day of the session, and is referred to the Committee on the Territories and to the Committee on the Judiciary. It seems that this gentleman has taken, in familiar language, "the job" of fixing up the affairs of Utah. And when I respectfully asked the liberty to propound a question while the gentleman was making a statement here, he found it convenient to deny me the right of propounding interrogatories or correcting what I regarded as misstatements, when he would tolerate other gentlemen whom he knew to be in sympathy with the bill. The gentleman from Mississippi [Mr. McKee] could get up and interrogate him at pleasure, and it was entirely convenient and pleasant for this to be done; but the gentleman knew from my connection with the bill that it would perhaps not be profitable to tolerate any questions on my part.

Mr. POLAND. I certainly intended no discourtesy to the gentleman. I had only fifteen minutes in which to explain the bill, and I had no time to yield for interrogatories. If the language I used to the gentleman appeared to be discourteous, I beg his pardon.

Mr. CROUNSE. I accept the apology, but the facts are there and the inference can be drawn. When I wanted to make an inquiry and correct a misstatement, at that time the gentleman could not tolerate a question; no, sir; not a bit of it. But when others propounded inquiries, then there was opportunity, and a disposition to allow them to do so.

Now, in order to make this bill palatable to the House, if I may use the term, it must be prefaced with some imaginary grievances, or the statement of a condition of affairs which really does not exist. It becomes necessary to refer away back to the early history of this people when they were isolated, away off, and when they had imposed and inflicted upon them United States officials who by their arrogance became intolerable. At such a time they may have rebelled, and such circumstance must be made a pretext for calling forth action on the part of Congress to-day. But I say, look over the Territory of Utah to-day and see where is the rebellion which is talked of here, where is the defiance of law? Canvass and scan the organic act organizing the Territory, and by which the people are allowed to make laws for themselves. Look over those laws and compare them with the laws of any other Territory of the United States, and then see where they fall short. Not one word is brought forward here, beyond general assertion that things are all wrong there, for the foundation of this action on the part of Congress.

The gentleman says that while the United States appoints its marshals, the Territory, in defiance of law, appoints its marshals. Why is this? The office of United States marshal is as distinct from the office of territorial marshal as is day from night. Their offices run in different directions. One is charged with the execution of the writs, processes, etc., emanating from the United States courts and in United States cases. I have the record of a case here where the judges who were sent out to Utah attempted to set aside the territorial marshal. That Territory saw fit under its laws to appoint a marshal; for what? For the disposition of matters arising under their laws and in no way in conflict with the laws of the United States.

Now, that they have a right to do. If that is denied them, then one of the first principles of a republican system of government is gone and wiped out. When a people in a Territory cannot be accorded the right to enact their own laws, those that relate to themselves, as long as they do not conflict with the Constitution of the United States, and if they cannot select their own officers to execute those laws, then I say you are striking down the very first principles of American liberty. You are taxing men without representation, you are demanding obedience to laws which they have no voice in making, and you foist upon them officers to execute the laws under no responsibility to the people governed. It is a proposition unheard of in the history of American law making or jurisprudence.

I say then that the charge brought here was that they elected a territorial marshal in defiance of the laws of the United States, which provided a United States marshal. Judge McKean of the supreme court of that Territory, took that position; a position never taken before in any other Territory of the United States. That case was brought to the Supreme Court of the United States and how was it terminated there? I have the record before me, but cannot take time to read it. Here is the information filed by the United States officer and the answer of the territorial marshal, where he distinctly says that he disclaims any right to interfere in the control of United States affairs; that he is elected under the organic act relating to the affairs of Utah, is elected by the Legislature of Utah, and in pursuance of that election he acted in the discharge of his duties as such in serving writs and processes which emanated from the court as far as they related to territorial matters; for instance, the crime of larceny, murder, or any offense which is made such by the laws of the Territory of Utah. In those cases, where the processes went forth through the territorial marshal, he executed the writs and processes, as he had a right to do, and as he should do, they involving no infraction of any law of the United States. But that, I say, is made an offense. When I asked from the gentleman from Vermont [Mr. Poland] the privilege of interrupting him that I might inquire whether or not the United States had not sustained that position, I was denied that courtesy. This bill must be pushed down our throats, as though this House were a lot of willing subjects only too ready and anxious to go to any length that gentlemen may dictate. This measure is to be put through under the whip and spur of the previous question. But an hour—one poor hour—is given to the discussion of matters involving the rights of one hundred and thirty five thousand people, whose only fault is that they entertain religious convictions differing from those entertained by gentlemen here. I tell you, sir, it will not do for this Congress to assume a mock regard for particular laws while unmindful of others. Let every man turn his sight inward; let him stand before the forum of his own conscience; let him ask himself whether he has any religious convictions at all. Men who have none at all are perhaps too apt to be intolerant toward those who have. I say that while I deplore the system prevailing in Utah, while I am not in sympathy with that form of religion, while I desire and hope that in the progress of civilization it will be wiped out, I hope the American Congress will not act hastily in this regard.

As I wish to be sparing of the time of the gentleman from Utah, [Mr. Cannon,] I can only say that I did hope to assail this bill in its details. There are several views I would like to submit in which I am satisfied this House would concur with me. I am satisfied that this House would not upon deliberation enact the seeming anomaly of having one set of people make laws while officers appointed by another and distinct authority, are to execute those laws. Why, sir, by this mode of proceeding you strike down the very law-making power itself. If those people cannot have their own marshals and their own prosecuting attorneys to proceed against offenses arising under their own laws they will make no laws. They will wipe out their laws entirely if they cannot have a voice in executing them. Examine all the laws that have been passed since the organization of this government, and where will you find that any like this has been enacted?

Mr. ELDREDGE. The gentleman will allow me to suggest to him that the marshals selected by the local authorities of Utah sustain precisely the same relation to that Territory that our Sheriffs bear to the respective States. There is no difference or distinction in that regard.

Mr. CROUNSE. Precisely. That is what I wish to have understood by the House; that we are asked to enact a law which is in defiance of all precedents in our legislation, and for no sufficient reason; because the system of polygamy, if it is to be assailed at all, is to be assailed under the laws of the United States. Congress should not, and I say cannot in consistency with the principles underlying our institutions, enact laws that will thrust upon that people a set of government officials responsible to no one except the government here at Washington.

I say that this people does not deserve such treatment. Aside from the question of their religion they are entitled to the same rights, immunities and privileges which would be claimed in behalf of any other people. They have shown themselves law-abiding and industrious. You may look over all the States and Territories of this Union and nowhere will you find the rate of taxation lighter than in that Territory. In this respect the people of that Territory have made a record which ought to be the envy of the general government and of every State government. I say that people who have behaved in this manner should not bring down upon their heads the enactment of laws which must simply operate to enrich United States officials and turn the people over bound hand and foot to the tender mercies of officers whom they have no voice in choosing.

While I would not antagonize the bill in gross, I hope that as presented here and sought to be forced through it will be voted down, and that the opportunity may be given to correct and modify it in those essential particulars which I know this House, upon calm consideration, would not approve. As a Congress we cannot afford to act upon the principle which I intimated at the outset appeared to be influencing many members here. I fear that principle operates too largely. I have never known a case in which the law for the government of a great people who are asking to become a State of this Union has been passed in such haste, and with so little apparent necessity.—*Congressional Record.*

SPEECH OF MR. POTTER,

On the Poland Utah Bill, in the U. S. House of Representatives, June 2, 1874.

MR. CANNON, of Utah. I yield to the gentleman from New York, [Mr. Potter.]

MR. POTTER. Mr. Speaker, any bill that provides for the selection of jurors is a bill that deserves the attention of the House, not only as regards the citizens particularly to be affected by it, but because of the precedent it may establish for other sections of the country and other times. In regard of this bill I think the House ought to understand the legislation of Utah out of which the demand of the bill has grown.

In 1859 the Territorial legislature of Utah passed a law, which was approved by Congress, providing for the selection of jurors, by the local authorities; that is to say, a full list of the tax-payers and citizens of full age was to be made out in each county, from which the county court was to select the panel of jurors. Under this territorial law juries were drawn in that Territory without difficulty for something more than ten years. But the judges of the Territorial court—that is, those appointed by the President, who came into office after that time—regarded the existing law as invalid, and held the panels of jurors thus drawn were improperly drawn. There has never yet been such a controlling decision by the Supreme Court of the United States as constrained the action of those judges; and they have therefore, most if not all of them, continued to hold the panels of jurors drawn under the existing laws were unlawfully drawn. * * The non-Mormons complained that the difficulty with the existing law was that it enabled the Mormon officials to pack the juries with Mormons, and that they ought not to be compelled to try their cases with this peculiar people, with juries made up entirely of those of their own faith. On the other hand the Mormons said, "We have no litigation among ourselves, and the records of the courts will show that non-Mormons have been given the fullest opportunity to recover against us; and if Congress shall pass such a law as the non-Mormons recommend, you will enable the men who have come into the Territory with the railroads recently constructed to get control of the courts and the juries, and to imprison and convict all of us or drive us out of the Territory, so that they can thus get our lands for nothing." This indicates briefly the two sides of the question as urged before our committee.

The bill as first brought before the Judiciary Committee contained the clause my colleague on the committee from Pennsylvania [Mr. Cessna] has suggested as an amendment to its present form. That clause provided the United States judge should himself select the jury. To that I was and am utterly opposed. It did seem to me it would be better to drive this Mormon people out of the Territory without color of law at the point of the bayonet than to establish a precedent of this charactes, by which the Federal official would be sure * * * will to pack a jury against that or any other people, for that is exactly what the amendment of the gentleman from Pennsylvania, if it becomes a law, will lead to. In the state of feeling that has existed in that Territory between the mass of the people and the Federal judges, to give those judges or the clerks or marshals of their courts the right of selecting jurors could not in that community be followed by any other result than the grossest injustice under the form of law. The committee took the same view I had of this provision. As we first agreed upon the bill, it provided that a list should be made out of all the citizens in the Territory * * * * * and the jury drawn from that by lot. That provision was subsequently changed to the present provision, by which it is required the probate or local judge shall select one-half and the clerk of the Federal court shall select the other half of the jurors.

MR. MCKEE. How are they selected now in other States and Territories?

Mr. POTTER. In most of the States and Territories by the local officers, I believe; by the sheriffs of the counties in very many of the States; and by the territorial marshals, I believe, in all the Territories except Utah.

Mr. MCKEE. In most of the States they are selected by the marshal. Do you call that packing a jury?

Mr. POTTER. You are speaking of the juries of the Federal courts of the States, where there is no such division among the people. In the South it may be the marshal can now pack juries.

The present bill provides, Mr. Speaker, that the juries shall be chosen one-half by the judge of the probate, that is to say by the county judge or local authorities, and the other half by the Federal authority. This perhaps is as fair under the circumstances as it is practicable to make a jury for Utah.

My difficulty with the existing bill is this: on page 10 the House will see that it is provided that in all prosecutions for adultery, bigamy or polygamy no person shall be entitled to serve on the jury who has a belief in polygamy. As three-fourths of the men who reside in the Territory now do believe in polygamy and practise it, the result will be they will all be absolutely excluded from the juries in such cases, and the jury in all prosecutions for bigamy or polygamy will therefore necessarily be made up of persons who are non-Mormons. I do not see why under such a provision every Mormon cannot be convicted of polygamy.