

representative of which we are to admit upon or deny the privileges of a Delegate upon this floor, for he represents no part of the American citizenship out there outside of this polygamous institution. He received not one Gentile vote. He stands here as the representative of that church which I have described from the testimony of these judges. He stands here as the sole representative of that church, knocking at our doors to be continued in his representation here in order to strengthen and maintain that polygamous power in a political point of view.

The institution has aimed at political power wherever it has been. It will never yield that desire for political power to maintain itself by political methods. It will never yield the desire nor the determination until it shall die the death it so well merits.

While I have nothing to say personally against the representative of polygamy, who asks a seat here, I am opposed to the system which he represents. Now, in order to connect him with it, and I beg your pardon, Mr. Speaker, and the pardon of gentlemen here that it is necessary that I should ever state on this floor the testimony of his connection with the church and his fidelity to its interests and its growth as its representative—I must do so in order to state fully the position he occupies in regard to it. All the world knows his position. It appears on the records of the Supreme Court of my Government, which, condemned the whole system as a crime; as a "blasphemy of religion having no protection under that clause of the Constitution which forbids the interference of the Government with religion. It is a crime against the laws of every State of the American Union; against the laws of England; against the laws of every civilized government; against the best interests of God and man; and it shall not live under the protection of this court." Now, in order that there should be no trouble about taking testimony, Mr. Cannon made a stipulation which I will ask the Clerk to read.

The Clerk read as follows:

I, George Q. Cannon, contestant, protesting that the matter in this paper contained is not relevant to the issue, do admit that I am a member of the Church of Jesus Christ of Latter-day Saints, commonly called Mormons; that in accordance with the tenets of said church, I have taken plural wives, who now live with me and have so lived with me for a number of years, and borne me children. I also admit that in my public address as teacher of my religion in Utah Territory I have defended said tenet of said church as being, in my belief, a revelation from God.

Mr. Hazelton. Now, Mr. Speaker, that about finishes the chapter; that concludes, so far as my time will permit, my discussion of the power of Congress over this question.

Mr. Converse. I would like to ask the gentleman the date of the paper which has just been read.

Mr. Hazelton. It was made—I supposed the gentleman knew that there had never been any dispute about it—

Mr. Moulton. June 1, 1831.

Mr. Hazelton. It was made for the purpose of being evidence in this case; it was never denied by Mr. Cannon or his attorney before the committee; it was entered among the original transcripts, authenticated the same as all the other papers. It stands as Mr. Cannon's admission. Does the gentleman from Ohio, [Mr. Converse] stand up here before the world to deny that that is Mr. Cannon's belief and position?

Mr. Converse. I asked the gentleman a question as to date.

Mr. Hazelton. And I have answered it.

Mr. Converse. I did not intend to excite the gentleman's anger.

Mr. Hazelton. You did not; more my sorrow than my anger.

Mr. Converse. If the gentleman will give me the date I shall be obliged to him; if he cannot, let him say so, that is all.

Mr. Hazelton. I do not think it is dated as quoted here; it may be in the original paper.

Mr. Converse. I want to know when it was made if the gentleman knows.

Mr. Hazelton. It was made a part of the case; but the precise minute when it was so made I cannot tell.

Mr. Converse. Was it last year, or five years ago?

Mr. Hazelton. It was during the taking of evidence on the naturalization question.

Mr. Calkins. Will my colleague on the committee yield to me for a moment.

Mr. Hazelton. Certainly.

Mr. Calkins. It was stated in the

argument of the case, and not denied, that the admission was made for the purpose of obviating the taking of further testimony on that point. It stands in that way confessed before the committee and before the House.

Mr. Converse. I did not ask what had been said about it; I asked when it was made.

Mr. Calkins. Its date is some time after the notice of contest was served. The date at which it appears in the deposition is the date.

Mr. Moulton. Will the gentleman from Wisconsin allow me a moment?

Mr. Hazelton. Certainly.

Mr. Moulton. The date of that paper, whatever it may be worth, is the 1st of June, 1831, about a year ago. There is nothing in the record to show for what purpose or how that paper was thrust into the record. I state this fact to go along-side of the statements of the gentleman from Wisconsin, so that there may be no misapprehension.

Mr. Calkins. It makes no difference when it was made. It is a fact that it is admitted. It is quite immaterial when it was made or for what purpose. The material point is the fact which it discloses, not when the paper was made.

Mr. Hazelton. Of course if it had ever been denied or questioned we would have called Mr. Cannon before us, and he would have admitted it all, and more. I will say that much for him. I do not believe he wants anybody now to claim that he is not a representative of the Polygamist Church.

Mr. House. How did the paper get into the record?

Mr. Hazelton. How did any of the papers get into the record? It was part of the record which came before the Committee on Elections.

Mr. Calkins. Since the gentleman from Tennessee [Mr. House] has challenged—

Mr. House. No. I have challenged nothing. I ask for information.

Mr. Calkins. The only information which the committee have is that it was found in its proper place in the depositions on file in this case; and it has never been challenged, so far as I know, by Mr. Cannon or his counsel; and I have been present at every committee meeting on this subject. I have the original in my possession; and it is clearly in Mr. Cannon's handwriting. This is the first time the paper has been challenged.

Mr. Hazelton. If anyone desires to see the original papers, they are in the committee room; and this paper is in the handwriting of Mr. Cannon.

Mr. Moulton. Allow me a single moment. The paper was not challenged in the committee, because the minority of the committee took the ground, as our chairman understands, that it was wholly irrelevant to the issue in the case.

Mr. Calkins. I do not so understand. I only want to say, so there may be no misunderstanding between my colleague on the committee and myself, that I never understood Mr. Cannon or his counsel to challenge the authenticity of this admission or the purpose for which it was made. This is the first time I ever made it to be challenged.

Mr. Beltzhoover. If the gentleman from Wisconsin will yield to me for a moment, I would like to make a statement.

Mr. Hazelton. I will, with pleasure.

Mr. Beltzhoover. I can straighten this matter. So far as I am concerned, Mr. Speaker, I did question that paper, and I questioned it until I was thoroughly convinced as to the circumstances attending its making and entry of record. I went so far as to ask Mr. Cannon's counsel about it, and I asked Mr. Cannon himself. It was given to avoid the proof of the same facts it contained by calling witnesses who would testify to them.

Mr. Calkins. There is no mistake about that.

Mr. Hazelton. Yes; there is no mistake about that fact.

Mr. Converse. Was it in this present contest, or some former contest that it was made?

Mr. Hazelton. In this contest.

Mr. Converse. I ask the gentleman from Pennsylvania whether that was made in this contest or in some former contest?

Mr. Beltzhoover. Allow me to say that, respecting the minority of the committee, I challenged that paper with great particularity, as members will bear me out.

Mr. Calkins. Yes, sir.

Mr. Beltzhoover. I asked whether this paper was given in this contest, and whether it was given with the

understanding it was to prove the facts it contained, and I was informed that it was specially given to prove the facts which it contained. I asked Mr. Cannon about it and he gave the reason in addition to that why it was done.

Mr. Calkins. That is true.

Mr. Beltzhoover. That is not what I have any misunderstanding about this matter, because it was one of the facts upon which I base my opinion in this case.

Mr. Hazelton. I will read, Mr. Speaker, the heading, so members may see just exactly what it is:

In the matter of George Q. Cannon, contestant of Allen G. Campbell's right to a seat in the House of Representatives at the Forty-seventh Congress of the United States as delegate from the Territory of Utah.

That identifies it as a paper in this case upon the record.

Mr. Converse. I should like to put the question again, and I will ask whether that was not testimony which was submitted by Mr. Campbell, and purported to be an admission made by Mr. Cannon in some former contest or some former cause?

Mr. Hazelton. Not at all.

Mr. Converse. I ask for information as I know nothing about it.

Mr. Hazelton. I did not understand it that way at all.

Now, Mr. Speaker, I have said substantially all I desire to say in this case. There are a number of others on either side who will discuss the case pro and con. I have contended on all these records and upon the law we must maintain the resolutions submitted from the Committee on Elections. I believe if they are sustained by the voice and will of this House it will be such a protest in favor of justice, civilization, and the best interests of the nation and against polygamy, that has stood with other great crimes in this nation now happily long since passed away, it will stand, I say, as such a grand protest against the crime of polygamy as to meet with the approval and the applause of the entire American people. (Applause.)

Mr. Calkins. Has the gentleman concluded?

Mr. Hazelton. How much time have I left?

The Speaker. Twelve minutes.

Mr. Hazelton. I will reserve that for a future time.

Mr. Davis, of Missouri. Mr. Speaker, I must acknowledge that I feel somewhat reluctant to discuss this question, from the fact it is calculated to place one in a wrong light, and in the next place because I do not suppose anybody wishes to hear me talk about this or any other question.

It is admitted on all hands that Mr. Cannon received a majority of the votes, and that he possesses all the qualifications of any Delegate who sits on this floor, or of any Representative from any State; but it is held that he should not retain a seat in this House, and this House has the right to exclude him upon the ground that he is a polygamist. I shall limit myself to two points made by members who constitute a portion of the majority of the committee. One by the gentleman from Tennessee, [Mr. Pettibone,] and the other by the gentleman from Indiana, [Mr. Calkins.]

The gentleman from Tennessee grounds his whole argument upon section 2 of article 1 of the Constitution of the United States; which declares that the House of Representatives shall be composed of members chosen every two years by the people of the United States. He holds this clearly and explicitly points out who shall be the members of this House; that the statement by the Constitution of who shall be members of the House is the exclusion of all others, and that neither Congress nor any other power or authority can change this character of this House. In other words, that no power can say that a man can be a member of this House who is not a Representative from a State; that the Constitution has fixed the membership of this House, and the power to preserve its integrity of membership resides in it and nowhere else.

Now, there is much force in that position, and it demands from us serious consideration. In the interpretation of law or a provision of the Constitution we must look to the intention, the purpose or object it proposes to subserve. In order, therefore, to understand this section upon which the gentleman from Tennessee relies we must take it in connection with the section immediately preceding it, section 1 of article 1, which declares that—

All legislative powers herein granted shall be vested in a Congress of the United States,

which shall consist of a Senate and House of Representatives.

Here, then, is a grant. Of what? All the legislative power of this Government. Where is it lodged? In a Senate and House of representatives. So, then, this House is one of the bodies in which is lodged all the legislative power of this Government. Then what is the meaning of the section which immediately follows it? Evidently the meaning is to simply point out who shall exercise this grant of legislative power; who shall be the legislators of this House. That is all it means and nothing more; that this branch of the legislative department of this Government for legislative purposes shall be composed only of members chosen by the people of the several States. And this is right, because this Government is a union of States, and no one outside of them should be permitted to participate in its legislation.

But we have another class of members of this House who are not legislators, the Delegates from the Territories. By what authority are they here? Clause 2 of section 3 of article 4 of the Constitution says:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, etc.

Remember it says all "needful" rules and regulations. Who shall be the judge of what is needful? Clearly the power authorized to make the rules and regulations—the Congress of the United States. So then we have a provision of the Constitution authorizing Congress to make all needful rules and regulations for the Territories, and constituting it the judge of what shall be the needful rules and regulations. Now, what has been the policy and legislation of this government under this provision of the Constitution?

Why, from the very foundation of the government Congress has granted Territorial representation. It has decided it is needful; it has decided it is right and proper that the Territories should be represented in this House. Is that an unconstitutional exercise of power? Clearly not. So then these Delegates are here in accordance with laws constitutionally made by Congress, and this House has no right to deny the right of Territorial representation, because Congress has declared under the Constitution that the Territories shall be represented, and this House cannot disregard the law of Congress.

So we have two distinct classes of members of this House, under two distinct provisions of the Constitution of the United States. Some gentlemen make the mistake of supposing that because a Delegate is not a member of the House under section 2 of article 1 of the Constitution, with the right to vote, that he has no right at all, and that he and therefore his Territory can be ignored. I say this cannot be done without a violation of laws passed in accordance with another provision of the Constitution, and all the Constitution must be permitted to stand and not one section to the exclusion of another. But there is no conflict between these sections; one merely provides that all the legislative power of this House shall be exclusively within the hands and province of the Representatives of the States, and the other simply authorizes Congress to enact laws giving representation to the people of a Territory who are not people of a State, and whose representative has no right to vote, and of course no right to shape our legislation.

As I have stated, section 2 of article 1 simply points out who shall be the legislators of this House; that is all it means and nothing more. Wherein does the representation of the Territory conflict with this exclusive prerogative of the representatives of the people of the States? Wherein does the office of delegate impinge upon this peculiar constitutional composition of this House? In no possible way, because the Delegate has no vote, and of course no power to shape legislation. The legislative composition of this House remains undisturbed. No violence is done to the Constitution. On the contrary, all the provisions are carried out in their fullest and freest sense. So I say this House has not the high-handed arbitrary power claimed in this case, that when a duly elected Delegate from a regularly organized Territory is sent to this House, he enters not by the grace of the House, but by the section of law passed by Congress in the constitutional discharge of its duties, which law this House has no right to disregard.

This brings me to the second

point in the report of the majority of the committee; that is, that Congress has no power to fix the qualifications of a Delegate. The report admits that Congress can create the office of delegate, but that it cannot fix his qualifications; that Congress can create an office, but cannot say who shall fill it; under the Constitution Congress can make all needful rules and regulations for the Territories; shall be the judge of what are needful rules and regulations, and under that may create the office of delegate, but cannot say that he shall have the same qualifications as a representative from a State. The statement of this proposition is its own refutation. But let us test it by what Congress has already done.

As has been read by the gentleman from Wisconsin, [Mr. Hazelton,] section 1,906 prescribes the qualification of citizenship for certain delegates. Now, if it can fix the qualification of citizenship, can it not fix other qualifications? Can it not say that he shall have the same qualifications as a Representative from a State? Without discussing that point further I shall ask the question which naturally follows, and it is this: has Congress fixed the qualification of a Delegate? I say it has. It is not necessary to discuss the question as to whether the Constitution as such extends over a Territory, or as to whether Congress has the power to extend the Constitution as such over a Territory, because it is absolutely certain that it has the power to make and has made the Constitution a part of the statutory law of the Territory of Utah. Section 17 of the act of 1850, organizing that Territory, declares—

That the Constitution and all the laws of the United States are hereby declared to be in force in and extend over the Territory of Utah so far as the same are or any of their provisions may be applicable.

And what could be more applicable than that provision defining the qualifications of members of this House? But the majority report says that this will prove too much; that if you hold to the position that the Constitution in its provisions and its spirit extends over a Territory, then you cannot deny a Delegate a vote. That does seem to me to be very strange doctrine, and I think no man on second thought will hold that the extension of the Constitution over a Territory as its statutory law thereby destroys or impairs any of the provisions of the Constitution. The Constitution has fixed where the legislative power of this House resides, and that is exclusively within the hands of the representatives of the people of the States, but a Delegate is not a representative from a State, and hence has no power to vote and no authority to act as a legislator.

But it may be said that these qualifications prescribed in the Constitution apply in terms and words to Representatives from States. That is true. But the Constitution of the United States also says that no State shall pass any *ex post facto* law, or any law impairing the obligation of a contract. That applies in express terms to a State, and yet I suppose no man will say that a Territorial Legislature could pass an *ex post facto* law impairing the obligation of a contract. And why? Because it would violate the spirit and principles of the Constitution, which has been made the law of the Territory. In a word, all the provisions and all the principles of the Constitution are the laws of the Territory as far as they may be applicable. And I ask the question again, what can be more applicable than that provision which says that a member of this House shall be twenty-five years old, seven years a citizen of the United States, and an inhabitant of the State in which he is chosen? It is just as if the law said to a Territory, you may be represented in this House by a man twenty-five years old, seven years a citizen of the United States, and an inhabitant of the Territory in which he is chosen. And when Congress has said that, that ends the matter, and this House has no right to add to or take from these qualifications prescribed by Congress.

(To be continued.)

The St Paul (Minn.) *Globe*, observes: Things had gone wrong with him; and he wanted to die; yet he had the whole house darting around mightily lively, so we heard, hunting for the St. Jacobs Oil bottle, when the first twinge of rheumatism gathered him up.