

CONTESTED ELECTION.

TERRITORY OF UTAH.

Geo. R. Maxwell vs. Geo. Q. Cannon.

Argument of Halbert E. Paine,
Counsel for Sitting Member.

(Before the Committee on Elections of the
House of Representatives of the United
States, Washington, D. C., 1874.)

(CONTINUED.)

The contestant charges that Mr. Cannon is for another reason disqualified for the office which he holds. He asserts that on the 15th day of May, 1848, he took an oath of disloyalty to the United States, known as the endowment oath of the Mormon church. Unless the contestant is, for some reason, above and independent of all the laws and rules and principles applicable to ordinary men claiming seats in the House, he can make no disqualification out of this charge, even granting it to be true in its widest scope. Suppose Mr. Cannon did take an oath of hostility to the Government of the United States in 1848. Would that disqualify him for a seat in Congress? Why, gentlemen, there are in the House to-day many men who took an oath of hostility to the Government of the United States as late as 1861; and not only took such oath but also took up arms, and fought against our government for years with a valor worthy of a better cause. Are they disqualified? And if they are not, why is the sitting member disqualified? More than that: there is in the House to-day a gentleman, who, although conspicuous in the councils of the enemy during the late war, is now permitted not only to retain the seat which he so greatly honors, but also to take part, as a member of this committee, in the adjudication of the conflicting claims of other members to their seats. And no man questions, no man can question, the constitutionality, or legality, or justice, or propriety of this. With what grace can the contestant ask him to cooperate in the manufacture of this new-fangled qualification for a seat in Congress? Will he say that there has been a relief from disabilities in the one case and not in the other? But Mr. Cannon was never under political disabilities. This endowment oath, if it were a thousandfold more bloody than the eloquent counsel paints it, would not be in conflict with the provisions of the oath of office act formerly in force, but now repealed. And, besides, if Mr. Cannon was under the disability of that oath, his disability has by the general amnesty act been removed. But there is no truth in the assertion that this endowment oath is an oath of hostility to the United States. There is no truth in the assertion that in this respect the oath of the present differs from the oath of the past. There is not a shadow of justification or a scintilla of proof for the slanderous assertion that Mr. Cannon has ever in word, or deed, or oath, or heart been disloyal to the Government of the United States. Was it treason or disloyalty for the Republicans to declare through the press or from the rostrum their opinions of President Buchanan and his subordinates in the administration of the Federal Government? Is it treason or disloyalty for the Democrats in the House of Representatives to-day to express their opinions of President Grant and his associates in power? Is a narrower measure of liberty to be accorded to the Mormons of Utah? When you come to sift and scrutinize the testimony, you will be amazed at the audacity which could claim that the endowment oath is shown by the proofs to be an oath of hostility to the Government of the United States. In the first place, not a single witness testifies that Mr. Cannon ever took this oath at all. And then only three, Taylor, Mansfield, and Wandell, pretend that it involved any hostility to the government. Wandell says the lecture explaining the oath was treasonable. But E. B. Kelsey, one of the contestant's own witnesses, testifies, on page 49, that he has taken all the endowment oaths administered in the Mormon church, and that they involve no obligation inconsistent with allegiance or loyalty to the United States. And the testimony of Richards, on page 60, Miller, on page 65, Jennings, on page 66, Hardy, on page 75, Taylor, on page 77, Stout, on page 83, Beattie, on page 84, Teasdel, on page 85,

Raleigh, on page 87, and Hunter, on page 89, shows how baseless is this charge that the so-called endowment oath is an obligation of disloyalty or hostility to the government of the United States. The counsel refers to the columns of the *Deseret News* as proof that Mr. Cannon, the editor of that journal, was at heart unfriendly to the government of the United States. But this charge is, like the rest, the coinage of his own brain. The papers from which he reads, harmless as they are, were published in 1860 and 1861. Mr. Cannon did not become the editor of the *Deseret News* until 1868. He is no more responsible for the extracts read than is the counsel himself. The counsel for the contestant has ventured upon his own responsibility, in your presence, to charge the sitting member with complicity in actual murder. For the proof of this, you have the unsworn testimony of the counsel himself, and you have nothing else. Mr. Cannon requests me to assure you that this accusation is, from top to bottom, from center to circumference, without qualification or mitigation or palliation, slanderous and false.

(TO BE CONTINUED.)

RELIGIOUS LIBERTY.—A writer in the New York *Herald* asserts that true religious liberty is only found among English speaking nations. He might have observed that in some of them there is none too much liberty, and if some people had their way there would soon be a great deal less.

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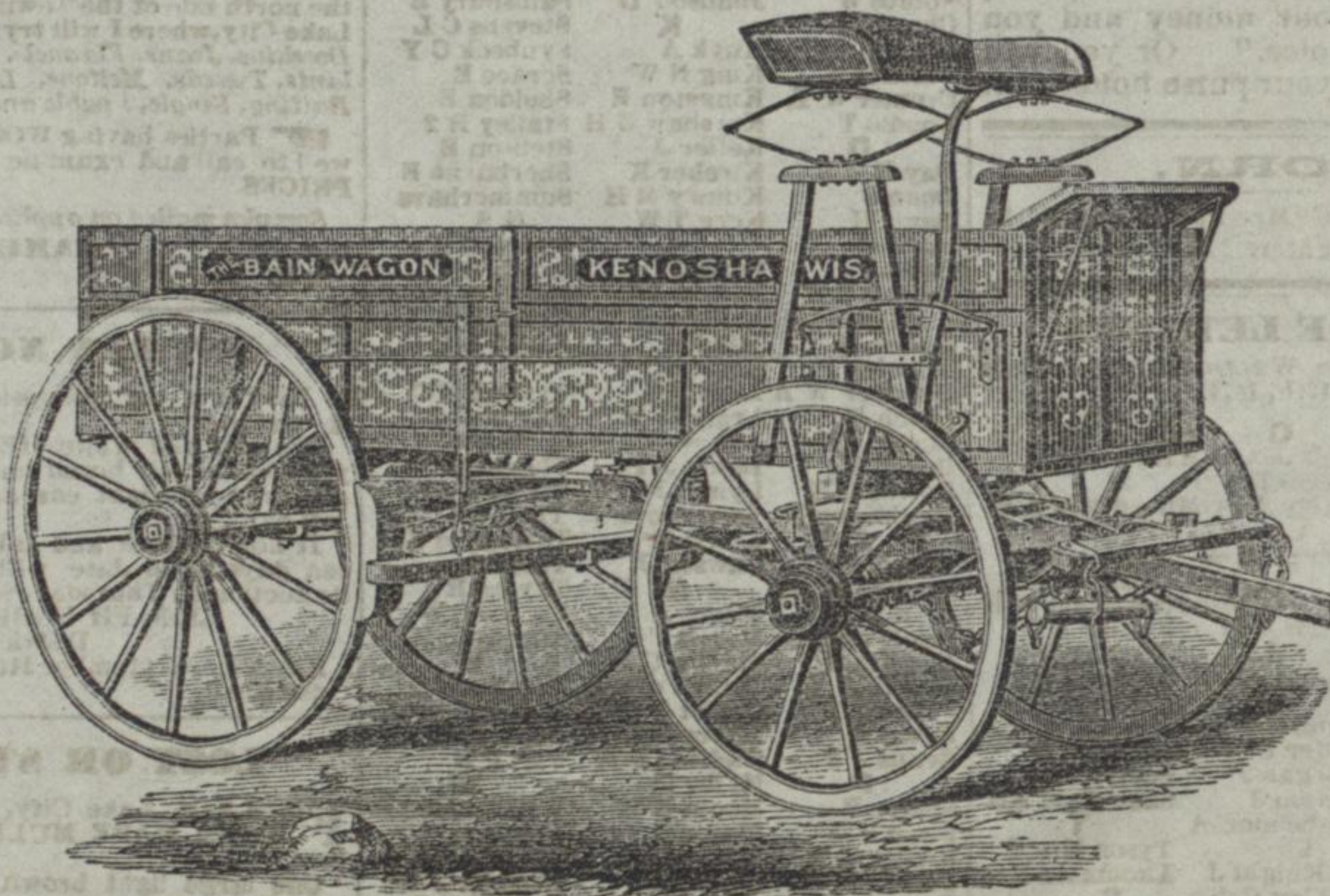
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