

for the gentleman from Tennessee to revise the statutes of his own State before he criticises the action of the American Congress and condemns it for imposing, as a penalty for the crime of polygamy, disfranchisement and the further disability as to holding office. One who serenely endorses a statute which by its operation disfranchises a citizen because he marries one woman a shade darker than himself, ought not to be so indignant an wrath against a law that punishes a polygamist who boasts of four wives or more.

But the gentleman has still another objection. He says:

When I took a seat in this house I took an oath to support the Constitution of the United States. I cannot and will not swear to a lie even to emphasize my abhorrence of polygamy or to punish a Mormon, and with my views of this act I would have had to do so if I had voted for the bill when it passed.

Why, sir, when did he become such a stickler for his oath that he needs thus, by innuendo, accuse other members of this body of violating theirs? I find by an examination of the Congressional Directory for the Forty-seventh Congress that in 1853-4 the gentleman was a member of the Tennessee Legislature; as such he necessarily took an oath to support the Constitution of the United States. But scarcely was that oath dry upon his lips before he took part and participated in the rebellion of 1861-5. He occupied a seat in the confederate congress, and he held some position in the confederate army; whether as judge-advocate or not, I do not know; but this I know, that he occupied a position whereby he necessarily disregarded his oath taken in 1853-4. He has become wonderfully conscientious in this year of 1892, when he sees the monster polygamy about to be throttled, and he invokes the Constitution and his oath of office to protect it—that Constitution and that oath of office which he could waive and put aside in order that he might aid in the attempt to destroy his country.

Mr. Atkins. Will the gentleman allow me to interrupt him? I think it would be better taste for the gentleman to attack the gentleman from Tennessee, my colleague, if he were in his seat.

Mr. Miller. Mr. Speaker, I was attacked yesterday by the gentleman from Tennessee when I was not in my seat, and the gentleman ought to be here. He ought not to expect to throw stones and then not be in his seat to defend him if it necessary. Have I charged anything against him that is not true? I refer the gentlemen of this House to the Congressional Directory; and what is there I suppose he wrote himself.

Mr. Atkins. Will the gentleman allow me—

Mr. Miller. Not if it is to come out of my time.

The Speaker. It will have to come out of the gentleman's time.

Mr. Miller. Then I do not yield.

Mr. Speaker, I think the true ground of opposition of this gentleman to the report of the majority of the Committee on Elections is found in that portion of his speech where he says:

Mormons have been guilty of believing in, and some of them practicing polygamy. But they have been guilty of another sin also. They have committed the offense of belonging to the democratic party.

I thank God that they do belong to the democratic party. I thank God that every polygamist, that every man that disregards the laws of the United States in that Territory of Utah, belongs to the democratic party. I am also rejoiced that it devolved upon the democrats, and upon one who in 1861-65 spat upon the Constitution of his country and upon the oath that he took to support it, to stand up in this House and defend that monstrous evil. [Applause on the republican side.]

Mr. Moulton. How much time, Mr. Speaker, have we left on this side?

The Speaker. An hour and twenty minutes, according to the understanding of the Chair.

Mr. Moulton. I yield five minutes to the gentleman from Wisconsin, (Mr. Bragg.)

Mr. Bragg. I am under obligations to the gentleman from Illinois, (Mr. Moulton), for giving me the opportunity to state the reasons which will control my vote in the case now pending before the House.

I think it was Macaulay who said, in his review upon the life of Byron and his works, that the general public at times, like the individual, become affected with the gripes. The public occasionally are affected with a species of moral gripes, which

seems to have broken out about this time, and manifests a disposition to vent itself upon the Chinese and the Mormons. As I shall vote to give Mr. Cannon a seat here, I feel it proper that I state the reasons why, in order to show that I do not feel that I am affected by any gripes, either moral or otherwise upon this subject.

I shall vote for him upon the mere cold legal proposition, and no other. I do not defend polygamy nor would I defend infidelity. Infidelity saps and attacks the very foundation of the Christian religion fully as much as do the practices of the "Latter-day Saints." Yet I doubt if any member upon the floor of this House would vote against a man because he had no religious convictions at all, and belongs to the class which the Bible says "bath said in his heart there is no God."

We are not an ecclesiastical synod; we are not seated here as an inquisitorial body to make inquiry whether A, B, or C comes up to the religious standard that we have established for ourselves. We come here as a legislative body. The Committee on Elections of this House has certain functions to discharge, which in no wise affects a man's religious belief or his practices under that religion.

The first question for us to determine in cold blood is: Was the Territory of Utah, at the last general election, entitled to a Delegate in this House? Were the people of Utah entitled to exercise the right of franchise? Did they exercise that right of franchise, and did they choose a Delegate to represent them here as their agent? The majority report of the Committee on Elections decides, first, that Utah was entitled to representation; second, that the population of Utah did possess the elective franchise; third, that they exercised that franchise, and by an overwhelming majority selected as their Delegate or agent, to communicate to us their wishes, George Q. Cannon, who, the committee report, is not entitled to be received upon this floor as their representative.

Was Mr. Cannon eligible under the law? The only eligibility required is that he shall be a citizen of the United States, and I believe that that even is not denied by the majority report, and they hold that there was no disqualification at all. Then if he fills all the requisites—

[Here the hammer fell.]

The Speaker. The time of the gentleman has expired.

Mr. Bragg. The gentleman from Texas [Mr. Jones] agreed to yield me some time.

The Speaker. The time of that gentleman has been exhausted.

Mr. Sparks. That gentleman from Texas agreed to yield some of his time.

The Speaker. That is true; but nevertheless the time of the gentleman from Texas has been exhausted.

Mr. Davis, of Missouri. I have some time left at the conclusion of my remarks yesterday, and I will yield ten minutes to the gentleman from Wisconsin, [Mr. Bragg.]

Mr. Bragg. I thank the gentleman. I say that when the Committee on Elections exercised their functions they were exercised legally and properly in ascertaining these several facts. When they have found these facts all in the affirmative, they have no right legally, morally, or otherwise, in the discharge of their duties as an Election Committee of this House examining into the election of a Member or Delegate of this House, to go outside of the naked legal propositions which were submitted to them and bring in for the consideration of this House a discussion upon the question of the propriety or the legality of polygamy.

This agent, who has been selected by the polygamists to represent them here as their agent, has been here through two successive Congresses—

Mr. Sparks. Through four Congresses.

Mr. Bragg. Through four successive Congresses. He has borne himself as a gentleman in every respect. He has certainly not contaminated any member of Congress by any noxious doctrine.

Mr. Atkins. Will the gentleman from Wisconsin (Mr. Bragg) allow me to interrupt in the little time he has to speak? I would like to hear from him if he can reach the point, upon the effect of the Edmunds bill, the recent law of Congress, upon the right of the Delegate from Utah to his seat, whether or not it is retroactive? That is the point in this case.

Mr. Bragg. When I rose to speak, I did so simply for the purpose of giving the reasons, without entering into any general discussion, of my vote on this question.

I have considered the question which has been propounded to me by the gentleman from Tennessee (Mr. Atkins,) and my view upon it from a legal stand-point is this: If Mr. Cannon was eligible and entitled to his seat when he received the franchises of his people which gave him that right to a seat, no subsequent act of Congress can deprive him of that right thus given him by the franchise which his people possessed, which they exercised, and which has become executed by the election which resulted in choosing him for this seat.

If the Committee on Elections desires to reach the question of polygamy, if this House desires to reach that question, if the sentiment of the country desires to reach that question, it must reach it by the disfranchisement of any person entertaining that species of religious belief which is entertained by the Mormons. And I doubt very much whether any member of this House will claim that the right exists in us to disfranchise any person in a Territory who by local law is entitled to the exercise of the right of franchise.

If they have that right of franchise, they have the right of selection, and when they have made their selection, if they are entitled to it, we cannot deprive them of the benefits of that selection unless we repeal the law which entitles Utah to a Delegate. For these reasons, Mr. Speaker, independently of all questions of polygamy or Mormonism, I shall cast my vote to seat Mr. Cannon as a Delegate from his people to communicate to us their wishes upon the subject of legislation.

Mr. Moulton. I yield seven minutes to my friend from Michigan [Mr. Horr.]

(To be continued.)

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