

## REPORT OF THE UTAH COMMISSIONERS.

FACTS, FIGURES, THEORIES, SUGGESTIONS AND RECOMMENDATIONS.

SALT LAKE CITY, Utah,  
November 13, 1882.To Hon. Henry M. Teller, Secretary  
of the Interior, Washington, D.C.:

Sir: The election for Delegate to Congress having been held in Utah Territory on the 7th of November, under the supervision of this Commission, we deem it proper to report to your Department the progress up to this time in the discharge of our trust. Since our last report, dated August 31st, we appointed a registration officer for each voting precinct of the several counties and established some additional polling places, with a view of affording proper facilities for all legal voters. In order to conform the local law as far as possible to the requirements of the Act of Congress, we were obliged to promulgate rules and regulations for Judges of Election, three for each polling place, about 750 in number. The local law requires that judges shall be selected from both political parties if practicable. Accordingly we selected them in general from both parties; but in some instances we were obliged to appoint all of them from the "Liberal Party," or from the "People's Party," because there were no eligible and qualified persons, so far as we were informed, in such precincts, belonging to the other party. Commissions were sent to each of the judges (copies of which, together with the rules and regulations are herewith enclosed). In order to procure such information as we deemed useful to the Government, we addressed circulars to the registrars, and from their responses we learn that the total number of registered voters is 33,266, of whom 18,772 are males, and 14,494 are females. From their reports it appears that about 12,000 men and women are excluded from registration by reason of polygamy. Several of the counties of this Territory are quite large in area, some of them over a hundred miles long, sparsely inhabited and difficult of access, by mail or otherwise. This has occasioned considerable delay and extra exertion in preparing for election and receiving the returns. The anomalous condition of this country and its people, together with the inherent difficulty of adjusting the local laws to the acts of Congress are such that they imposed upon us great care and deliberation, lest on the one hand we should go beyond the limits of the law, or on the other hand fall short of a vigorous and effective discharge of our duties. In the absence of instructions or judicial decisions to aid us in the interpretation of the law prescribing our duties we were obliged to consider it for ourselves, and in doing so we endeavored to conform to the well-known canons for the construction of statutes, having a due regard for the evident intention of Congress in *pari materia*: "Polygamist and bigamist," and persons "cohabiting with more than one woman," are by Section 8 to be excluded from voting and holding office.

Immediately upon addressing ourselves to the discharge of our duties, we were obliged to consider the scope and extent of this exclusion. Did Congress intend that those only should be excluded who at the very time of the registration or election were then living in polygamy or "unlawful cohabitation with more than one woman?" If so, such a construction would render this section a perfect nullity; the means of evasion are patent to the dullest comprehension. We therefore concluded that neither the letter nor the spirit of the statute required such a narrow construction; and in our published "Rules and Regulations" we gave the exclusion a wider scope and application. We found that the local law prescribed a certain form of oath to be taken by persons applying to be registered, as voters. We adopted this oath *verbatim*, adding a clause in regard to "polygamy and bigamy," and unlawful cohabitation," which we considered it proper to do in order to make the local law conform, as far as practicable, to the principles and requirements of the Act of Congress. In short, we were charged by the Act of Congress with the duty of excluding from the polls and from eligibility to office a certain class of persons. How this was to be done was not defined in the Act. Were

we to exclude only those who had been convicted of the crime of polygamy in the courts? This construction would have been derided by everybody in this Territory. We concluded that it was the intention of Congress to leave it largely to the discretion of the Commission, to determine the means of discriminating between the legal and illegal voters. This we endeavored to do in part by the prescribed oath, which sets forth the various qualifications of a legal voter, those in regard to age, residence, citizenship or naturalization, and freedom from the disqualifications imposed by the Act of Congress.

During the week before the November election, the Commission made an order appointing five gentlemen of character and standing as a Board of Canvassers, of the returns of the election for Delegate to the Forty-eighth Congress (a copy of which order is inclosed herein). On the 16th day of November, 1882, the said Board of Canvassers met at the rooms of this Commission and canvassed the election returns, from which it appeared that John T. Caine had received 23,039 votes, and Philip T. Van Zile had received 4,884 votes. John T. Caine having received a majority of all the legal votes, he was declared duly elected and the certificate given accordingly.

Having reason to believe that it is expected by the Executive that this Commission will make suggestions as to any additional legislation that may be needed to carry out the principles of law under which the Commission was organized, we would state that, in our judgment, a marriage law enacted by Congress, would be a sufficient auxiliary in the suppression of polygamy. It is asserted and generally believed by non-Mormons in this Territory, that plural marriage is practiced here in secret. We would recommend that Congress enact a law, declaring all future marriages null and void, unless they are contracted and evidenced in the manner provided in the Act. For example: that all marriages shall be solemnized in certain designated public places, and witnessed by such persons and registered in such public offices, as to make the proof of marriage morally certain; provided also, that the person officiating in the marriage ceremony, together with the parties and witnesses shall make their affidavits against polygamy, and set forth the time and place and other particulars relating to the marriage. Or, allow marriages to be solemnized in private, but with the like guarantees of registration, affidavits, witnesses, etc., and in either case providing penalties for violation of the Act by any of the persons concerned therein. In making this suggestion, we omit the details, which can readily be supplied by reference to the marriage acts of most of the States.

In our former report we adverted to the laws of this Territory conferring on women the right of suffrage. This law was enacted by the Territorial Legislature some 12 years ago. Of course it is competent for Congress to repeal or annul this law. Without expressing any opinion on the question of woman suffrage in general, we are satisfied that owing to the peculiar state of affairs in Utah, this law is an obstruction to the speedy settlement of "the vexed question."

In the prosecution of polygamous cases here, it is difficult to prove the first or legal marriage. We would suggest, as a remedy, that the first or legal wife be declared by act of Congress, a competent witness in such prosecutions.

Under the act of Congress, by virtue of whose provisions this Commission was appointed, the people of Utah appear to be put upon probation, until a Legislative Assembly, elected under the provisions of the act, shall meet and pass the requisite laws concerning registration and election.

The election for members of the Legislative Assembly will be held next August, and that body will hold its session in January, 1884. It is to be hoped that it will comprise a sufficient number of members who will be disposed to bring this Territory into harmony with the sentiments of the people of other parts of the country.

We have been engaged in the discharge of our trust only a few months, not long enough to fully test the operation of the law, as to its ultimate results. But so far, it has been a decided success in excluding polygamists from the exercise of suffrage; and we are of the opinion that the steady and con-

tinued enforcement of the law will place polygamy in a condition of gradual extinction, and that the domination that is complained of by non-Mormons in Utah and elsewhere will, at no distant day, be much ameliorated. In accepting the trust committed to us, it was not expected by the Commission, and we suppose not anticipated by Congress, nor the Executive department of the government, that the desired results would be accomplished at once, nor in the brief space of a few months; but there is reason to believe that the operation of this law, and other influences, are setting strongly in the direction of reform, and that the hitherto dominant faction will be supplanted by "Young Utah" in the control of public affairs.

There is no doubt that the enactment of the law of Congress, under which this Commission was appointed, has agitated the public mind in this Territory to a remarkable degree. Hitherto there has been very little public discussion of political questions, and, in general, the people have not attended political meetings in large numbers. But we are gratified to find in the "campaign" preceding the November election for Delegate to Congress, the people of all classes have manifested a lively interest in public affairs, and have attended the political meetings in large numbers. Many of these meetings have been held by both parties in various parts of the Territory, and able addresses have been delivered by speakers on both sides. It is an encouraging sign that many of the "Liberal" meetings have been largely attended by Mormons, and in many instances they have composed the chief part of the audience. It is proper to add, that so far as we have learned, these meetings have been characterized by exceptional good order, good humor and decorum. On Saturday night before the election, both parties held large mass meetings in Salt Lake City and vied with each other in the display of national flags and patriotic music.

Our attention has been called to the propriety of our recommending Congressional legislation of a radical character. But we are not inclined to advise such measures, unless upon further observation and experience the wisdom and necessity of such legislation shall be demonstrated.

The area of this Territory is 84,000 square miles. The population is about 150,000, about 40,000 being non-Mormons, many of whom are so-called "Apostates" from the Mormon Church. The people are generally engaged in agricultural pursuits. Prior to the completion of the Union Pacific and Central Pacific railroads, there were few non-Mormon residents in the Territory.

Since 1869 the business of mining has become an important interest, and from that time the total output is over \$60,000,000 in silver, lead and gold. There are also valuable deposits of coal, iron, copper and other minerals. The mines give employment to a great many persons, and have been the means of attracting a large non-Mormon population to the Territory.

Many of the non-Mormons (or "Gentiles") are doing a prosperous business in banking, mining and mercantile pursuits.

The legislation of Congress, as we understand it, is not enacted against the religion of any portion of the people of this Territory. The law under which we are acting is directed against the crime of polygamy, for the extirpation of which this Commission will freely use all the powers delegated to us, and will from time to time, suggest to the government, such supplemental legislation as may aid in suppressing this reproach to the civilization of this age and country. We trust that this object will be accomplished, without resorting to measures destructive to local self-government, punishing the whole people, the innocent as well as the guilty with political ostracism. At all events, we are unwilling to advise such a course, until the Act of Congress under which we are acting, shall be more fully tested. Besides, a proper respect for the legislative branch of the Government, would restrain us from impeaching the wisdom of their enactment, at the very threshold of the work committed to us, and long before the time expressed in the act of Congress.

If, however, the next session of the Legislative Assembly, elected under the Act of Congress, shall fail to respond to the will of the Nation, Congress should have no hesitation in using extraordinary

measures to compel the people of this Territory to obey the laws of the land.

For the Commission,  
ALEX. RAMSAY,  
Chairman.

## BY TELEGRAPH.

THE WESTERN UNION TELEGRAPH LINE.

## AMERICAN.

NEW YORK, 9.—The Graphic prints the following from Washington: It is reported that the engineers of the Panama Canal have made a radical change in the course of their operations. The intention of the projectors was to make a sea level canal from one ocean to another without locks of any kind. Information now comes out that they have found it impossible for any sum of money which could be raised to overcome the natural difficulties of such an undertaking, and they have decided to adopt the ordinary plan that of locking up and down the grades. The other scheme involved the operation of digging a canal for some distance through great cuts which would have been several hundred feet deep involving an amount of excavation the like of which was never attempted by human hands. There were other difficulties about the connection with that part of the canal where the bed of the Chagris river is utilized, which engineers concluded would form a fatal obstruction to the plan originally entered upon.

WASHINGTON, 9.—In the House, a bill from the commerce committee reported a resolution calling on the Secretary of War for information as to whether money appropriated by the last river and harbor bill was appropriated for works or objects not in the interest of commerce and navigation, and if so requesting specifications to be furnished. Judging from a long conversation with members of the commercial committee, they are much aggrieved over the views expressed by the President respecting the last river and harbor bill; some members go so far as to say they will prepare a similar bill this year, the recommendations of the President to the contrary notwithstanding.

Most of the western members favor two cent postage, and Anderson will offer to amend the bill to begin the next fiscal year.

WASHINGTON, 9.—At a meeting of the Shipping Commissioners this morning the bill to prohibit the payment of advance of wages to seamen was approved, and ordered reported to the House. An amendment was added allowing shipmasters to ship their own seamen without the intervention of Shipping Commissioners. The effect of this passage will be to do away with Shipping Commissioners at all points.

It is understood civil service reform legislation will not interfere with either the appropriation or revenue bills, but it now seems quite evident that before the expiration of the session something practical will be done in the way of the reformation of the civil service. The Senate agreed to-day that the Pendleton bill to reform the civil service should be taken up after the bankruptcy bill is disposed of, and in the House Mr. Kasson reported from the committee on civil service reform, the bill introduced by him last Monday, with some trifling amendments. The Pendleton bill, it is thought, will receive the general support of Senators of both parties, although Mr. Daws will undoubtedly oppose it with a bill introduced by him at the last session of Congress.

It is doubtful if any appropriation will be made in the post office bill for fast mail service next year. The last session of Congress appropriated \$60,000 for special facilities on trunk lines, and provided that the money should be expended for all the principal cities. Postmaster General Howe attempted to establish a fast service to San Francisco and failed, owing to the refusal of the Pullman company west of Chicago to agree. Mr. Howe has been reluctant to spend all this money for special facilities for the cities of the East and has been unable to pay trunk lines the amount necessary to give the principal cities of the West fast service. Only about \$18,000 of the amount appropriated will be expended this year.

Ben Butler is not giving the democrats much comfort. One day he was on a street car; Mrs. Blaine was there too. They engaged in conversation. She congratulated him upon

his election as governor of Massachusetts. "Yes," replied Butler: "the republican Governor of Massachusetts." He went on to explain, in answer to her look of surprise, that he did not credit his election to the democrats. He was elected because the people of the State were dissatisfied with the republican party management. He was the people's Governor, and he should not forget that the majority of the people in Massachusetts are republicans. The night before last Butler dined with the President out at the Soldier's Home. This occasioned some surprise, and has deepened the mystery of Butler's movements. I had the matter fully explained to me to-day. Ben has for years made war upon the Hoars, and they upon him. Now he has an opportunity to repay Senator Hoar for back courtesies, and he is here in Washington arranging a programme to defeat Hoar before the Massachusetts Legislature this winter. Hoar is already very unpopular in Massachusetts. The Congressional delegation does not like him. Gossip says the President has made a friendly alliance with Butler in the direction of Hoar's defeat; but this is of course untrue.

The following appointments were sent to the Senate to-day: Henry J. Osborne, receiver of public moneys, Bodie, Cal.; James H. Evans, register of the Land Office at Lake View, Oregon; Frances Atkinson, register of the Land Office at Helena, M. T.; Charles Alexander, register of the Land Office at Tucson, Arizona.

The regulations governing mints and assay offices have been amended so that on and after the 1st of January, 1883, no charge at assay offices will be collected from depositors of gold for the transportation of their bullion to the mint for coinage, the cost of which, under the provisions of the existing law, as construed by the Director of the Mint and the Secretary of the Treasury, are required to be paid from the appropriation for freight on bullion and coin between the mints and assay offices.

In the House McCoid introduced a bill that each railroad shall on March 1, annually, publish a schedule of rates. Fifty per cent. of the schedule of rates shall be the minimum of rates, and fifty per cent. above, the maximum allowed to be charged in any case. These rates are to be a charge for loading, a mileage rate for hauling, and are to be fixed upon the principle of impartial service for a fair corporate profit from an honest public service. Consolidating, discriminating, pooling, etc., are prohibited and punished. A committee of nine members from each judicial circuit in the United States shall be appointed by each Congress, to supervise, investigate and report to Congress as to the management and control of railroads under the law, and recommend amendments thereto.

Senor Romero, American Minister, will be one of the Mexican commissioners to meet Grant and Trescott and negotiate a new treaty between Mexico and the United States. Romero is to be here in three weeks.

General Rosecrans went before the committee on war claims to-day and succeeded in having Wednesday next fixed for the consideration of his bill to reimburse the State of California for expenditures in resisting Indian depredations in 1851-52. Geddes, of Ohio, as a sub-committee in charge of the bill, will probably report it favorably to the committee.

The President nominated Clayton McMichael Marshal of the United States for the District of Columbia.

ALBANY, 9.—Joseph P. Greaves, of New York, stockholder in the Western Union Telegraph Co. filed an application to-day for the commencement of an action to compel the Western Union to vacate its charter and its officers to resign. The Attorney-General will hear the case December 15th. Greaves is, according to a Western Union official, a clerk in a house of stock-brokers (or the Mutual Union, and his application is spite work, and prompted by a desire to bear the market. Many of the acts charged as illegal have already been decided valid; The action complained of was taken upon the advice of able counsel, after an examination of the statutes, and is still believed by our counsel to have been strictly in accordance with law. Only yesterday the Mutual Union made an offer to lease its lines and properties to this company, which if we had accepted these proceedings would not likely have been brought.

MEMPHIS, 9.—Two guards killed