

In the U. S. House of Representatives, on Thursday, April 18, the SPEAKER stated that the regular order of business was the consideration of a bill (H. R. No. 2199) to incorporate the Great Salt Lake and Colorado Railway Company and to grant the said company a right of way through the public lands of the United States. The bill was reported from the committee on the public lands, and the pending question was on seconding the demand for the previous question on the engrossment and third reading of the bill.

The House divided, and the previous question was seconded by 74 to 52.

The following discussion ensued—

The SPEAKER. The gentleman from Minnesota [Mr. DUNNELL] reported the bill from the Committee on the Public Lands, and is entitled to one hour to close debate.

Mr. DUNNELL. The original bill, Mr. Speaker, for which this was reported by the committee as a substitute, was a land grant bill. The Committee on the Public Lands became satisfied that no land-grant bill could pass this House, and therefore they struck out that portion of it. The committee simply provided a right of way by this bill.

It is what Congress has already done in the Portland and Oregon right-of-way bill, which has passed this House as well as the other branch of Congress. The committee provides a right of way from Great Salt Lake to the mouth of the Colorado river, some seven hundred miles, and the company which is here incorporated is ready to construct this road. The only question is whether the House is ready to give the right of way through this Territory, a valuable section of country awaiting to be developed, a right of way one hundred feet on each side of the road. This company has no desire to interfere with any other company. There is no existing company that desires to build along the line of this road. We have no desire to interfere with any other road built a few miles from Great Salt Lake City. We accepted two or three weeks ago, when this bill was before the House, certain amendments, and it was supposed the other side, represented by the delegate from Utah, would be satisfied with those amendments, and we did not anticipate this mere right of way would have the opposition which seemingly it has secured already.

The company are to commence operations in five years. All the original features of the bill to which I have adverted have been struck out, and it was supposed then that it would meet with no opposition. The opposition now, as I understand, grows out of the question whether Congress has the right to incorporate a company passing through this and other Territories.

Mr. HOLMAN. The question is not exactly that. It is whether it is policy for Congress to incorporate a railroad corporation whose road, from necessity, will ultimately pass through great States and be beyond the control of those States.

Mr. DUNNELL. That Congress has already done in three memorable instances.

Mr. HOLMAN. But I ask, is it desirable to magnify what is now recognized as a great evil?

Mr. DUNNELL. That is yet to be seen. I will say that no bill has come before our committee which has received more careful consideration. It had the unanimous indorsement of the committee, and that has not been the case with all the bills which have been reported from that committee, inasmuch as there is some difference of opinion in the committee on the question of land grants.

Mr. DUNNELL would yield five minutes to Mr. Killinger, of Pennsylvania.

By consent of Mr. Dunnell, Mr. HOOPER, of Utah, had the following amendment read by the Clerk—

After the word "embankment," in line eleven, section four, insert the following:

Provided, That the rights herein granted shall not preclude the construction of other roads through any cañon, defile, or pass on said route.

The following ensued—

Mr. STEVENSON. I hope there will be no objection to that.

Mr. HOOPER, of Utah. Many of those defiles through which the roads in a mountain country will have to pass are not two hundred feet wide. Now, without a provision of this kind, the granting of two hundred feet as right of way to this company is tantamount

to giving an absolute and irrevocable control and government over a certain route. Therefore, I think the gentleman from Minnesota and the House should agree to that amendment.

Mr. GARFIELD, of Ohio. Does the gentleman from Minnesota [Mr. Dunnell] allow that amendment to be offered?

Mr. DUNNELL. I do not at present.

Mr. GARFIELD, of Ohio. Let that be remembered.

Mr. KILLINGER. It is proposed by this bill to create a corporation that is to be allowed a delay of five years before they commence the construction of this work. Now, sir, I cannot see how those of us who are opposed to land grants can sanction a bill so wide in its significance. Allowing the company five years before they commence the construction of this road makes it appear not a *bona fide* attempt to build a road, but a speculative concern, to be in the hands of a corporation of capitalists, enabling them to wield power in these vast western Territories, watching their chances, trafficking in their corporate franchises, and in every way retarding the interests of the people and the prosperity of the country.

That is my principal objection to the bill. I do not believe it to be an honest *bona fide* effort to build a railroad; but I believe it to be the granting of corporate franchises to a certain set of men, who will wield power without responsibility, with no means of being called to account, controlling legislation, influencing all the politics as well as business of that country, and constituting an immense monopoly.

Now, if the gentleman will state to the House or will give us the information that this is an honest *bona fide* effort to build a road seven hundred miles in length, investing their own capital and simply asking the privilege of going on the public lands, that might change my opinion of the bill. From what I know of it and have heard outside of it, I do not believe it is an honest attempt to build a railroad, but one of those measures which members of all parties should set their faces against like flint, because all parties will be held responsible by the country, for the country will not sanction the creation of corporations who are allowed thirteen years to finish the work, and five years before they begin. Now, if I understand this measure correctly, I say that it is an abuse which the House and the country will not sustain and ought not to do so.

Mr. DUNNELL. \* \* \* We are simply asked to grant the right of way to a company of responsible men, men of ability, who want to build a road through this country, and the question is whether a class of men inside of Utah are to control the destinies of that great and growing future State; whether the Church is to furnish all the money and develop all the powers of that great State. I think it time that Congress should vindicate itself and its right to give to anybody who wants to build a road through the Territories the right to do it.

Mr. KILLINGER wished an amendment that the company should begin the work within a year, which Mr. DUNNELL considered unreasonable, but he consented to the addition to the first section of the words "that within the period of one year twenty-five miles of the road shall be constructed," wishing that a letter from A. R. Baldwin, President of the company, be first read. The letter stated that the writer in the fall of 1870 met at Salt Lake City Brigham Young, sen., Joseph Young, Mr. Hooper, and other "Mormon" leaders, who received him most cordially and signified their desire to welcome enterprise and capital from any quarter, though they desired their people rather to pursue agriculture than to engage in mining and railroading.

Mr. DUNNELL yielded the floor for five minutes to Mr. Cox, of New York, who is thus reported—

Mr. COX. When this bill came before the House the other day, I objected to it because it undertook, as I thought at that time, to interfere with the territorial legislation, to interfere with the powers and functions of the local government, to which, in my judgment, all these matters should be committed. The amendment of my friend from Ohio [Mr. Stevenson] somewhat obviates the objection I made the other day. It deprives this company of any right or power, not only to interfere with, but to inhibit the road already being built in Utah. But my general objection to the bill remains, and it is

this, (and this House ought to take notice of an objection of this kind, for the people are taking notice of our conduct in respect to these corporations.) I object to this bill because it is the entering-wedge to a system, and when this corporation is made, with its franchises, its power not only to combine capital and to oppress labor, but its power also to control the politics of the various States of the future through which this road may go, it becomes us to be jealous as to this business. Congress has enough to do. \* \* \* I think we have enough to do without going into a general business of making corporations of this nature. We must remit something to the local Legislatures; if we do not we will be overwhelmed, and having more to do than we should do, we will do nothing well for the people. I stand upon the old Democratic ground of remitting all that is possible to be done by the local governments to those governments, and I am opposed to the inauguration of any such system as the making corporations for railroads through these inchoate States.

Mr. DUNNELL. I now yield to the gentleman from Montana [Mr. Clagett] for five minutes.

Mr. CLAGETT. I desire simply to say a word in reply to what has been said by the gentleman from New York, [Mr. Cox.] So far as his general declaration is concerned, in favor of leaving the consideration of all these questions to the Territorial Legislatures, I am thoroughly in sympathy with him. But, unfortunately, the fact is that in 1867 Congress saw fit to pass a law by which the Territorial Legislatures were expressly forbidden to pass any such laws for the incorporation of railroad companies. That law is now upon your statute books.

I wish to say another thing in this connection: that even though Congress should undertake to confer this power upon Territorial Legislatures, they would still have to come to Congress to secure a right of way through the public lands. The Territorial Legislatures, even if they had the power to pass general acts of incorporation, could not enable those corporations to exercise the right of eminent domain in the confiscation of private property upon payment of value, or in the exercise of the right of way, but they would have to come to Congress for the purpose of obtaining that authority. Hence, I can see no force in the objection that has been urged here, because whatever shall be done, whether the power be left to the Territorial Legislatures, or assumed and exercised by Congress, Congress will still be called upon to pass upon every bill of this kind, in one form or other.

This bill proposes to confer upon the American or Gentile element now living in Utah some of the powers necessary to enable them to obtain some little foothold in that country. The legislation of this Mormon Territory has been from the start, and I speak advisedly when I say so, to grant away every foot of ground in that Territory to the members of the hierarchy of that church.

Mr. HOOPER, of Utah. I challenge the gentleman to show that they have given away a single inch of land.

Mr. CLAGETT. I am glad the gentleman has done so. I am familiar with those statutes and have practiced law under them. You commenced from the time the Territory was first organized, and you have continued to this day, in a country where, as the saying is, "water is land," to grant away nearly every inch of water that can be found in all the Territory of Utah.

Mr. HOOPER, of Utah. Name one instance of the kind.

Mr. CLAGETT. I can find the cases in your statutes. You granted to Brigham Young the exclusive ownership of Cache valley as a herding ground, now occupied by about ten thousand people; you have granted to Brigham Young the Islands in the middle of Great Salt Lake; you have granted to Brigham Young the exclusive right to all the timber that is in Brigham cañon. As one of the means by which the people of the United States who are not Mormons are to be prevented from securing any foothold in that country, you have gone further, and supplemented your legislation by your deeds of trust, so as to place directly or indirectly in the hands of Brigham Young the control of nearly every town site in that Territory, so that to-day it is almost an impossibility for a merchant going there to engage in ordinary business to obtain a building lot or a foot of ground without consulting this grand hierarchy.

Now, what I insist upon in connection

with this bill is that Utah American Territory; that every one who acknowledges his allegiance to laws of his country has a perfect right to go into that Territory and help build up an element antagonistic to that institution which embodies in union but an identity of Church and State, with the Church on top and domineering over the State.

What is this bill? It proposes simply to confer upon this "foreign" element as it is called, this "Gentile" element—in other words, this American element in opposition to the alien element in Utah—the right to build a railroad and by this means assist in carrying out the policy of this Government, which is by the construction of roads and the introduction of American ideas into that Territory, to settle the Mormon problem without the necessity of bloodshed or a resort to arms. This was one consideration that induced Congress to build the Pacific railway, and now, when policy of the Government is about to be realized, and application is made the simple right to construct roads which will supplement the policy of Congress and realize its grand design, objection is made to the passage of this bill.

Mr. DUNNELL. I now yield five minutes to the gentleman from Utah [Mr. Hooper].

Mr. HOOPER, of Utah. Mr. Speaker, it is seldom that I ask the privilege accorded to me at this time; and I should not occupy the floor on this occasion did I not realize that statements which have been made here, and which are calculated to impress the mind of the House with prejudice against the people of Utah are unfounded and odium which they would create unserved.

This is not the first time I have been on this floor introducing the name of Brigham Young and the Mormon community for the purpose of exciting prejudice in the public mind, that I might be enabled to accomplish certain measures of legislation. The gentleman from Montana, [Mr. Clagett] in making his remarks this morning has stepped out of what I conceive to be his legitimate province. As a representative from a Territory adjacent to my own, he should rather, it seems to me, have helped a Delegate colleague in the endeavor to protect the rights of the pioneers of that country.

He has spoken of the people of Utah legislating away the public domain, the government of the United States. Sir, I deny that the local government of Utah has ever by any act of legislation claimed ownership in any portion of the soil of the Territory of Utah, has simply pursued the same policy which has been adopted by the Legislatures of other Territories, in enacting laws whereby settlers coming there open up the country might be protected in their possessory rights. Sir, in Utah Territory there are roads leading to the valleys up into the mountains where the great Emma mine and other rich mineral deposits have been discovered, which have cost \$20,000, \$40,000, and \$50,000. How could those enterprises have been accomplished, how could these roads have been constructed, if the people had, in some way co-operated, had contributed their capital and their labor, and been protected by legislation, in opening up those cañons in order to reach the timber in the mountains, the might be used in building their feed and their houses, and in thus laying the foundation for what is to be a great and mighty State?

The attention of members of the House may with propriety be called to the history of the people who have opened and built up that country. They went from the State of Illinois a quarter of a century since, when that mighty State of Iowa, which since her numerous Representatives here to-day was almost a wilderness, was footed, despised, downtrodden, the people wended their way westward seeking a home. They rested awhile on the banks of the Missouri to raise a little corn to feed their women and children. While they were sojourning there for a season our Government came engaged in the war with Mexico, and to vindicate our honor these people in obedience to a call of the President of the United States, sent forward a hundred men to protect the flag of the country. They went into Utah with no white man dwelt there with the exception of a few trappers. They inaugurated in that country a system of irrigation and of farming. They started the work of building up the country and to do this effectually and to encourage men in their enterprises the Leg-