

Addenda to Appellees/Cross-Appellants' May 12, 2023
Response Brief on Defendants' Petition

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Addendum F

Murray's Message, Salt Lake Herald-Republican (Jan. 16, 1884)

SALT LAKE DAILY HERALD.

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NO 187

MURRAY'S MESSAGE.

The Law Makers and The Territory Threatened With Congressional Castigation

IF THEY DO NOT ACT AS THE GOVERNOR SUGGESTS.

Some Recommendations That Are Wise and Some Otherwise.

Here is The Squelcher.

TERRITORY OF UTAH,
EXECUTIVE OFFICE,
January 15, 1884.

Gentlemen of the Council and House of Representatives:

IMPORTANT WORK.

By the law of Congress approved March 22d, 1852, this session of your honorable body is made one of extraordinary interest, both to the people of Utah and the country at large. The manner of conducting elections in the future is made dependent upon the action we may take, and it is my earnest desire that such measures may be devised as shall meet the reasonable expectations of Congress and the country and the requirements of the people of Utah. We are expected in discharging our duties as legislators to write such a code of laws as shall, while conserving the admitted local necessities of the Territory, be an assurance of our fidelity to the nation and satisfy the exactions of public opinion on questions in which Utah is regarded as not in harmony with other portions of our common country.

Whether we shall do this or not will chiefly depend upon you. With you will lie the initiation of measures looking to this result, if to you it should seem desirable, and it will be fortunate in perfecting those laws, by mutual consultation, and by reaching a common ground, we may in the conclusion of our labors, congratulate ourselves upon the consummation of a great and patriotic work. I assure you that I shall be proud to contribute to this purpose, and shall cooperate with you in its attainment, with all the earnestness and capacity I possess. With this accomplished, and not till then, an unbroken arch of States, reaching from ocean to ocean, will touch the mountains of Utah, while her fertile valleys inhabited by a frugal and happy people, will sustain a commonwealth at once the rival and admiration of her sister States of the Union.

A CODE.

This Territory was settled by pioneers who suffered much, and who marked the path of their long journey hence with the graves of their dead. Gathered as we are from every State and Territory, and from the lands beyond the seas; remembering as we do the story of their suffering, and enjoying as we are benefits resulting from their labor, may we not unite in writing such a code, in grateful homage to the government of the United States which gave to them and us these mountains and valleys and homes, and which continues to protect them and us against foreign and domestic violence by the strong arms which represent fifty millions of free Americans. To write such a code, in my opinion, is at once our duty, and I may say a necessity, in order to preserve for ourselves political privileges which should be dear to every citizen. No Territory or State even without such laws may long hope to be kept clothed with privileges and franchises intended only for citizens who revere the Constitution and laws passed in pursuance thereof.

A failure by us to write such a code, however honest many may be in mistaken interpretation of Constitutional law, will be a grave political blunder, far-reaching in consequent results. I do not believe a Legislature should write doubtful sentences in statutes, or permit laws that may be misinterpreted to remain equivocal. Certainly such laws should not be written, at this time, in Utah. The people of the country will not fail to appreciate them, and to condemn them as they will and should be. Laws which propose to correct evils, punish offenses, and to establish and perpetuate sound government, should have provisions for their thorough execution, otherwise it is better not to enact them. Let us then join together and in language of unmistakable loyalty to the Constitution write for Utah a code of laws in harmony with the requirements of Constitutional law.

DIFFERENCES AND THREATS.

With this message and with my cordial greeting to a co-ordinate branch of the Territorial government, I present with reasons the subjects of greater moment which are for your consideration, as is required of the Executive by the organic act.

The action of the government, under President Buchanan and later legislation of Congress for twenty and more years, and particularly of the last session, and legislation pending before the present Congress, the messages of the President and those of his predecessors, through many years, I present as conclusive evidence that in matters of government organic differences exist between the majority of the people of Utah and the parent government.

It has been charged before the country and Congress, that an ecclesiastical power established by

Territorial statutes, and held by many as sovereign, would not permit a Legislature to pass certain laws intended to be effective and in harmony with national law.

This is a fearful charge to hear in free America, and especially in reference to a Legislature deriving its existence from Congress, and which is paid for its services by Congressional appropriations from public funds out of the national treasury. To answer and silence so grave a charge, I will gladly co-operate with you in passing laws that will retire the affairs of Utah from the halls of Congress and forever bury out of sight the charge that "ecclesiastical power dictates the legislation of Utah." I am sure Congress and the country will be gratified to see that our affairs may be settled at home, and I am equally sure that a near future will demonstrate, in the great body of the people of Utah, with gratitude to you, will regard them justly settled on the basis suggested.

I made an appeal to the last Legislature to pass such laws as were necessary "to assimilate the Territory of Utah with the country, in so far as law and business are concerned." It was my purpose to avoid the necessity of Congress extending its correcting hand in the matter. The Legislature deemed it best not to act, whereupon Congress promptly passed what is known as the "Edmunds law." By this law, many thousand citizens were denied the exercise of political privileges theretofore enjoyed by them, the election machinery of the Territory was suspended, and the powers and privileges exercised by citizens of the Territory were delegated to other hands. This legislation was the warning voice of the sovereignty of the Government of the United States. The men who see in the government, or in those who may differ with them, only an enemy, are otherwise. Such counsel followed to its conclusion means alienation.

The present condition of affairs cannot longer continue in safety, either to the United States, or the great body of the people of Utah. I know the difficulties in the way of many good people, and in sympathy appreciate them. If in my power, I would relieve them from their entanglements, their burthens and their disabilities, but "Constitutional morality" must prevail, or the nation must fall. The greatest good to the greatest number is the true rule of action. May we not in the broadest charity to all of us alike apply this rule, and together lift Utah from the position now occupied by her, before the world, as "a thing apart," and place her in accord with the country in every particular demanded by lofty patriotism and unflinching obedience to Constitutional law?

Representatives of the people, you hold the future in your hands; allow me to strengthen them in the right and to stay them in the wrong, in so far as it is given me to know the right and to apprehend the wrong, and only to say that when clouds are seen wise men should devise measures for the public good.

WANTS TO APPOINT.

I recommend the repeal of all statutes which conflict with section seven (7) of the organic act. The Supreme Court of the Territory has decided this question, and presents the fact that there are not now, and have not been for years any de jure Territorial officers. I ask the enactment of laws in accordance with this decision, which was held to be the law by the Utah Commission and heretofore held by the Executive before your predecessors. The Territorial government then is administered in a manner different from that prescribed by Congress in the Organic Act, and to that extent it is an unlawful government, and I therefore ask that this important matter may be speedily adjusted.

P. E. FUND LAW.

I ask the repeal of the law incorporating "The Perpetual Emigrating Fund Co." and the repeal of all laws making escheats result to this company, because by this law the whole system of immigration is placed under the control of church authority, which is a subversion of Republican government, and because these are laws respecting an establishment of religion which are forbidden by the Federal Constitution, and because escheats may properly result only to the sovereign power. I recommend the establishment of a bureau of immigration entirely free from ecclesiastical control and under the supervision of an officer or board of the Territorial government. A report of the number of immigrants brought into this Territory, the inducements offered, the means employed and what amounts have been paid into the treasury of the Emigrating Fund company," by Probate Judges and other officers of the counties or of the Territory, should be required for information of the Territorial government.

ANOTHER REPEAL RECOMMENDED.

I ask the repeal of chapter five (5) compiled laws of Utah, because unwarranted and dangerous powers are therein granted to a church corporation, because it is a "law respecting an establishment of religion," because it vests ecclesiastical courts with authority, which may only be exercised in the United States by the civil courts, and if for no other reason because Congress, by express statute approved July 1st, 1852, disapproved of it, and yet the Legislature of Utah re-enacted it in the compiled laws of 1876. A law of the Territory having been disapproved of by Congress should not be allowed to remain on our statute books.

RIGHT OF DOWER.

I repeat my recommendation made to the last Legislature, "That sheer justice demands the right of dower for wifehood. Unjust discrimination, unrest and untold suffering follow its denial. Every enlightened argument favors it." * * * It is denied in no State or Territory except where something better is given." To bestow the right of dower or its equivalent, to women, is an anomaly. I earnestly urge that this right may not longer be withheld from the wives of this Territory.

POLYGAMY, BIGAMY AND OTHER MATTERS.

The fact that no laws are upon our statute books denouncing polygamy, bigamy, adultery, fornication, incest or illicit intercourse as public offenses, I submit is not creditable to Utah. I trust this Legislature will not fail to place the seal of condemnation upon these offenses, made kindred by universal law.

The Congress in 1852 passed what is popularly known as the anti-polygamy act, denouncing bigamy as an offense and prescribed a penalty. Charged with a violation of this law, one George Reynolds, who had a plurality of wives taken in obedience to, and with the sanction of ecclesiastical authority, was arrested, tried and convicted in the courts of Utah. The constitutionality of the act of Congress was the main issue after the evidence was heard, and this was made a test case. The Supreme Court of the United States in an elaborate decision declared the act to be a constitutional law, and Reynolds paid the penalty of his transgression. In the light of this pronounced constitutional law, I submit that you, the representatives of the people of Utah will be unjust to yourselves, un mindful of supreme law, and cruel to those you represent, in failing to pass appropriate and final laws upon this subject with effective measures for their execution.

In support of this, my earnest recommendation, I present for your guidance, potential reasons taken from the able argument of a distinguished jurist, the late Judge Jere S. Black, before the judiciary committee of the House of Representatives of Congress, February 1, 1883, made as counsel of the "People of Utah to discuss their rights and the power of the federal government to control them." I agree with Judge Black in the lengthy quotation I shall make from the very basis of his powerful argument on this subject, and trust that you may not disagree with him, and hope that we may unite on this common ground and solve what is termed the "Utah problem." After quoting from Mr. Grote, who, he says, "is the most learned and thoughtful of all modern historians," "that fidelity to the fundamental law, which he terms constitutional morality is the one indispensable condition upon which the safety and success of every free government depends." Judge Black declares that:

It is plain as the noonday sun that without constitutional morality every pretense of patriotism must be false and counterfeit. The man who says he loves this country, and yet strikes a fatal blow at the organic law upon which her life depends, show his sincerity as Nero provided his filial affection when he killed his mother and mutilated her body.

A violation of constitutional law is not an offense which is ever made venial by the occasion. You cannot do evil that good may come. The evil is there, and the good never comes.

No matter how unimportant the breach may seem; though small at first, it will widen like a crevasse in the Mississippi, until the whole stream of arbitrary power goes rushing through it. Besides, the grade of a crime is not measured by the extent of the particular mischief. Forgery is forgery, whether the sum obtained by it be great or small, and murder is not mitigated by showing that the victim was short of stature.

It often happens that legislators, as well as other men, feel themselves hampered by such restrictions; but that does not authorize disregard of them. You cannot break lawlessly over the Constitution because it confines you to limits inconveniently narrow.

In this country all men and all classes are equal. No one can lawfully say to another, "Stand aside, I am holier than thou," and push him from his place on the platform of the Constitution. Superior sanctity is not a thing to be safely believed; it is easily simulated; it is often false; and when it comes into politics it is almost universally put on to cover some base and malicious design. The Scribes and the Pharisees were hypocrites.

By the decision of the Supreme Court in the Reynolds case, we find that the law of Congress forbidding polygamy is a constitutional law, declared to be so not by an individual or counsel or an inferior court, but by the Supreme Court, which the Constitution makes a co-ordinate part of the sovereign power of the United States. Agreeing with Judge Black, that a violation of constitutional law is not an offense which is ever made excusable by the occasion, I beg to say to you in his exact language, "You cannot break lawlessly over the Constitution, because it confines you to limits inconveniently narrow."

Let us devise such a statute, assisted by our local knowledge of what is necessary, that the national law prohibiting bigamy and polygamy shall be made effectual. It is true that Judge Black denied the right of Congress to legislate about marriage in a Territory, but this view of the case you may not take for the reason that if Congress does not possess that right, it cannot delegate that right or any power to you as a Legislature, and all your acts are invalid.

If we grant, however, that Congress does not possess this right, then it follows that it has no power to establish any form of Territorial

government. If the establishment is unwarranted, the whole Territorial government should be abolished by the repeal of the organic act, which is, in part, the recommendation of the President in his late message to Congress; and then we are left to consider only the second proposition, namely: What kind of a civil government, if any, may be given to the Territory? But the laws of a hundred years, and the recognition by this Territory for over thirty years of the right of Congress to enact this legislation, finds it a settled question. The late decision of the Supreme Court in the case of National Bank vs. County of Yankton, reported in 101 of Otto Reports, pages 132 and 133, which is as follows, settles it authoritatively:

We do not consider it necessary to decide whether the government of Dakota had authority to call an extra session of the Legislative Assembly, nor whether a law passed at such a session or after the limited term of forty days had expired would be valid, because, as we think, the act of May 27, 1872, is equivalent to a direct grant of power from Congress to the territory to issue the bonds in dispute. It is certainly now too late to doubt the power of Congress to govern the Territories. There have been some differences of opinion as to the particular clause of the Constitution from which the power is derived, but that it exists has always been conceded. The act to adapt the ordinance to provide for the government of the Territory northwest of the river Ohio to the requirements of the Constitution (1 Stat. 50) is chapter 8 of the first session of the first Congress, and the ordinance itself was in force under the confederation when the Constitution went into effect. All territory within the jurisdiction of the United States not included in any State, must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the general government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purpose of this department of its governmental authority has all the powers of the people of the United States except such as have been expressly or by implication reserved in the prohibitions of the Constitution.

In the organic act of Dakota there was not an express reservation of power in Congress to amend the act of the Territorial legislature, nor was it necessary. Such a power is an incident of sovereignty, and continues until granted away. Congress may not only abrogate laws of the Territorial legislatures, but it may itself legislate directly for the local government. It may make a void act of the Territorial legislature valid, and a valid act void. In other words, it has full and complete legislative authority over the people of the Territories and all the departments of the Territorial governments. It may do for the Territories what the people, under the Constitution of the United States, may do for the States.

Therefore, it is your right and duty to act, and may I ask that you pass statutes looking to the suppression of polygamy in accordance with the requirements of constitutional law.

MARRIAGE.

Marriage should be made by law a civil compact to be entered into only by persons competent to contract, and valid only as between the one man and the one woman, and any other marriage under any circumstances should be declared void from the beginning. Should individuals, denominations or associations desire to impose any other and additional requirements or solemnities upon such civil contracts, they should be regarded as religious obligations only, and not to be enforced or annulled by process of civil law. Parties desiring to inter-marry should be required to secure license from the civil authority of the county in which the ceremony is to be performed, after giving bond with surety, and the license should be made a matter of public record. The minister, priest, civil officer, or other person solemnizing the marriage, should be required to report the same to the civil authority which issues the license, for like public record. Penalties should be prescribed against any persons who unlawfully inter-marry, and against those who knowingly solemnize or witness an unlawful marriage. The confiscation of any place or premise should follow whereon the owner or owners, or those in charge, knowingly allow an unlawful marriage to be consummated.

ELECTION LAW.

A registration and an election law in harmony with the requirements of the law or Congress, and looking to the future control and conduct of these important matters under Territorial law, are subjects for your careful consideration. Provision should be made that will allow citizens to register under careful regulations up to, and to vote on the day of election. Housekeepers and others entitled to vote otherwise, are debarred often by absence during the time in which registration is now permitted. Citizens moving from one precinct to another under the present registration law are often denied the right to vote when it is clear by reason of their known long residence they should not be denied the franchise.

FISCAL AFFAIRS.

Without means of an official examination I cannot in detail know of, or determine the condition of the Territory and its fiscal affairs beyond the regular official reports of the auditor and treasurer, which I transmit for your information.

With a view of increasing the treasury balance from persons and property now failing in whole or in part to bear a just proportion of tax-

ation, and looking to the collection of delinquent taxes, I recommend that a committee or agent of the Territory, independent of the revenue officers, be named, who, in conjunction with the county attorneys, should have a supervision of these important matters. I am sure large amounts now lost to the Territory may be saved. Uniform and more complete assessments and closer collection of the taxes is necessary to save the Territory from an increased rate of taxation.

BUREAU OF STATISTICS.

The agricultural and mining interests of Utah constitute the basis of our prosperity. In addition to these, manufactures are being added. These interests can be cared for properly only when their conditions are known and carefully published from time to time. Inquiries from a distance cannot now be intelligently answered from an official source. A Bureau of Statistics should be constituted and a competent person placed in charge.

THE LIBRARY.

Our neglected public library should be gathered together. The public books now in possession of the Governor and Secretary and other public officers, should be joined with the Supreme Court library, and this, together with the public library, should be made available for the purposes set forth in the organic act. I submit that the present laws should be repealed, in order that the proper custodian may take charge of it, as contemplated by Congress.

Two appropriations have been made for the Territorial Insane Asylum building—one for \$25,000 and the second for \$30,000. The County of Utah added \$2,000 and the city of Provo \$500. These amounts have been expended, and there remains an indebtedness of \$6,300 beyond the appropriations. The Board of Directors has faithfully performed its duties, and has exhibited interest at all times in the labor imposed upon it. I trust you may be pleased to approve it work, to make an appropriation to cover the deficiency, to complete the building speedily and furnish it. A report of the Board of Directors will be laid before you.

HOUSES OF CORRECTION AND REFUGE.

Provision should be made for a House of Correction for juvenile offenders, and a House of Refuge for girls and boys and for friendless and deserving women, and for the care of the deaf and dumb and the blind. If it is deemed inadvisable to establish institutions at the expense of the Territory, aid may be given looking to the care and education of these unfortunate classes.

REWARDS.

The Governor should be authorized, when, in his judgment, it is deemed necessary, to offer proper rewards for the apprehension of criminals and to supply aid in executing the laws, when the ordinary process will likely prove fruitless.

GOVERNMENT CLAIMS.

I invite your attention to the fact that from year to year the government has paid for the execution of process in criminal cases, and for keeping prisoners convicted under Territorial statutes until there is now charged against the Territory on the books of the government the amount of two hundred and thirty-seven thousand seven hundred and seventy-two dollars (\$237,772.00). Provision for the adjustment and settlement of this claim should be made.

EDUCATION.

If there be one duty from the government to its people higher than all others—besides the preservation of life and property—it is generous aid to the Territories for the education of their children. I favor direct and immediate governmental aid for educational purposes. To make an appropriation of public lands, to be utilized only when they become States, is delaying a bounty at the expense of the weak and dependent Territory, to be paid to stronger and less dependent people in Statehood. Now is the time for the government to educate the children of Utah by establishing public schools, free in every sense, to every child, and non-sectarian in every particular. The government may do this, and there is a surplus in the national treasury. If not direct aid, let the amount furnished be charged against the Territory, to be paid out of the sale of the lands now set aside and to be utilized only in Statehood. There is now increased interest in the question of national aid to education, and I would be pleased to join in a memorial to Congress on this subject.

APPORTIONMENT.

The present apportionment of members of the Legislative Assembly is defective in that the districts are in many instances so constructed that several members are chosen on a common ticket, instead of giving each locality, having the necessary population the right to choose its own member. I recommend that the districts be so constituted that each shall have a voice without being overborne by a larger neighbor, which may be combined with it as now. This is true apportionment and local government; the other is consolidation.

The same objection applies to the manner of choosing municipal officers. Each precinct should have its own representative, elected by the majority of its citizens, instead of electing all, as now, on a common ticket.

DISTRICT SCHOOLS.

I do not regard the public schools of Utah as free schools. Many of them are maintained, in part, by tuition fees. This makes a class

distinction. In the great majority of them, I am informed, and in some I know, sectarian tenets are taught, and sectarian songs are sung. This is manifestly wrong, where taxes are paid in part by those who do not and will not willingly consent to sectarianism in public affairs. As public schools should be free, so school houses should be disconnected from churches, and in houses located on premises the property of the public. School taxes should be collected by the regular tax collectors; separate collections entail unnecessary expense.

Another plan should be provided for the distribution of the school fund, and for the employment of teachers.

THE LAWS.

The Commission to revise and compile the laws—appointed by legislative authority two years since—have completed their work, and at an early day will present their recommendations. The character of the gentlemen and their fitness for this duty commend their recommendations to our highest consideration.

ARBORICULTURE.

I earnestly recommend a law and a bounty for the encouragement of tree culture. The Territory should offer inducements that will interest every landowner in this matter. A day in the proper season should be set aside for tree planting, and designated as Arbor Day.

IRRIGATION.

The inauguration of a uniform and scientific system of irrigation is demanded. I am sure a system which will prove beneficial to the owners of water rights, and at the same time supply a much greater acreage than at present with the same amount of water, can be applied with great advantage to the Territory. Provision should be made to induce the people by small bounties, to increase the water supply by means of artesian wells throughout the Territory.

MUNICIPALITIES.

Many of the villages and towns of Utah have cumbersome charters with unusual powers, and providing for a Mayor and Council and other officers, demanded only by large cities. These grants should be revised and corrected, and inexpensive town governments should be given where expensive and unwarranted grants are found to exist.

A SUGGESTION.

The postponement of important legislation to the last days and hours of the session will be unfortunate, and measures failing by reason of lack of time for their consideration will not properly be chargeable to the Executive.

CONCLUSION.

The yields of our farms and the increased output of our mines and manufactures, are gratifying. We enjoy largely increased railroad facilities. The growth of the Territory and progress of this city, our commercial centre and capital, are subjects of congratulation.

The near four years of my service as Governor of the Territory admonishes me that the official term for which I was named is soon to expire. In the legislation that is before us I trust that no serious difference may be found; but should there be, let intelligent patriotism prevail. To you and the good people you represent may I express in kindness the hope that only constitutional law, either Federal or Territorial, shall be enacted; and when enacted, that such laws shall be held by all as supreme.

ELI H. MURRAY.

Addendum G

The Utah Apportionment, Salt Lake Tribune (March 11, 1891)

THE TRIBUNE circulation is equal to that of any two papers published in this city. This is a point for advertisers to consider. It is the only seven-day paper published in Utah.

The Salt Lake Tribune.

THE TRIBUNE is delivered by carriers to all parts of the city at 25 cents per week, Monday edition included. It contains the only complete telegraph service in the Rocky mountains.

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SALT LAKE CITY, UTAH, WEDNESDAY MORNING, MARCH 11, 1891.

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Addendum H

Edmunds Act, 22 Stat. 30b (1882)

and all such claims must be presented to the Postmaster-General within six months after the taking effect of this act; and no claim for losses which may hereafter accrue shall be allowed unless presented within three months from the time the loss accrued.

Postmaster-General to make annual report to Congress.

SEC. 2.—That it is hereby made the duty of the Postmaster-General to report his action herein to Congress annually, with his reasons therefor in each particular case

Approved, March 17, 1882.

Mar. 21, 1882.

CHAP. 44.—An act appropriating one hundred thousand dollars for continuing the work on Davis Island Dam.

Davis Island Dam, Ohio River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred thousand dollars, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of continuing the work on the Davis Island Dam in the Ohio River, and to be expended under the direction of the Secretary of War, and in anticipation of part of the appropriation for such purpose in the regular river and harbor act.

Appropriation.

Approved, March 21, 1882

Mar. 22, 1882.

CHAP. 46.—An act authorizing the sale of certain logs cut by the Indians of the Menomonee Reservation in Wisconsin.

Menomonee Reservation, Wisconsin.

Sale of cut timber.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to cause to be sold at public sale to the highest bidder, for cash, after due public advertisement, and in such lots or quantities as he may deem judicious, all pine timber cut upon the Menomonee Indian Reservation during the winter of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, under the direction of the then United States Indian Agent, J. C. Bridgman.

Disposition of proceeds.

SEC. 2.—That the proceeds arising from all sales of such timber shall be applied first to the payment of any and all indebtedness incurred for labor, supplies, and other expenses incident to the cutting and sale of said timber, and the surplus, if any, shall be deposited in the Treasury of the United States to the credit of said Indians, and expended for their benefit under the direction of the Secretary of the Interior.

Approved, March 22, 1882.

Mar. 22, 1882.

CHAP. 47.—An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Bigamy, etc., in the Territories of the United States, how punished.

R. S. 5352, 1039, amended.

Polygamy. Penalty.

Not to apply in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-three hundred and fifty-two of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, namely:

“Every person who has a husband or wife living who, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter marries another, whether married or single, and any man who hereafter simultaneously, or on the same day, marries more than one woman, in a Territory or other place over which the United States have exclusive jurisdiction, is guilty of polygamy, and shall be punished by a fine of not more than five hundred dollars and by imprisonment for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife

by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract."

SEC. 2. That the foregoing provisions shall not affect the prosecution or punishment of any offense already committed against the section amended by the first section of this act.

Action in offenses already committed not affected.

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

Misdemeanor.

SEC. 4. That counts for any or all of the offenses named in sections one and three of this act may be joined in the same information or indictment.

Indictment.

SEC. 5. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juror or talesman, first, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by either of the foregoing sections, or by section fifty-three hundred and fifty-two of the Revised Statutes of the United States, or the act of July first, eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah", or, second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman; and any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court. But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections one or three of this act; but if he declines to answer on any ground, he shall be rejected as incompetent.

Juries. Disqualification for service.

R. S. 5352, 1039.

12 Stat., 501.

SEC. 6. That the President is hereby authorized to grant amnesty to such classes of offenders guilty of bigamy, polygamy, or unlawful cohabitation, before the passage of this act, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with.

Amnesty.

SEC. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the first day of January, anno Domini eighteen hundred and eighty-three, are hereby legitimated.

Issue in Mormon marriages legitimated.

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any

Disqualified as voters, and not eligible for Territorial or Federal appointment.

Registration and election offices' declared vacant.	office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.
How filled.	SEC. 9. That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the legislative assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party; and a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a salary at the rate of three thousand dollars per annum, and shall continue in office until the legislative assembly of said Territory shall make provision for filling said offices as herein authorized. The Secretary of the Territory shall be the secretary of said board, and keep a journal of its proceedings, and attest the action of said board under this section. The canvass and return of all the votes at elections in said Territory for members of the legislative assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificates shall be the only evidence of the right of such persons to sit in such assembly: <i>Provided</i> , That said board of five persons shall not exclude any person otherwise eligible to vote from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy; but each house of such assembly, after its organization, shall have power to decide upon the elections and qualifications of its members. And at, or after the first meeting of said legislative assembly whose members shall have been elected and returned according to the provisions of this act, said legislative assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act.
Board of five persons authorized.	
Salary.	
Duties.	
<i>Proviso.</i>	

Approved, March 22, 1882.

Mar. 23, 1882. **CHAP. 48.**—An act to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district and circuit courts in the northern district of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that paragraph of section five hundred and seventy-two of the Revised Statutes declaring the times, places, and provisions for holding terms of the District Court in the Northern District of New York be amended so as to read as follows:

“In the northern district of New York, at Albany, on the third Tuesday in January; at Utica on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo on the third Tuesday in September; at Auburn, on the third Tuesday in November; and in the discretion of the judge of the court, one term annually at such time and place within the counties of Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days published in the State paper of New York and one newspaper published at the place where said court is to be held.

District court,
northern district
New York.
R. S. 572, 100,
amended.
Terms of court.

Addendum I

Edmunds-Tucker Act, 24 Stat. 635 (1887)

or any assistant treasurer of the United States in exchange for a like amount, dollar for dollar, of standard silver dollars, or of subsidiary coins of the United States.

SEC. 2. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depository of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars or subsidiary coin, at the discretion of the Secretary of the Treasury: *Provided*, That the trade-dollars recoined under this act shall not be counted as part of the silver bullion required to be purchased and coined into standard dollars as required by the act of February twenty-eighth, eighteen hundred and seventy-eight.

SEC. 3. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

Received by the President, February 19, 1887.

To be recoined into standard silver dollars or coins.

Proviso.

Not included in purchases of bullion.
Vol. 20, p. 25.

Authority to coin repealed.
R. S., 3520, p. 697.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. 397.—An act to amend an act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two.

Mar. 3, 1887.

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, SEC. 1. That in any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

Anti-polygamy act.
Vol. 22, p. 30.
Husband or wife may testify in prosecutions for polygamy.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpoena, compelling the immediate attendance of such witness, when it shall appear by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpoena issued and served in the usual course in such cases; and in such case the usual witness-fee shall be paid to such witness so attached: *Provided*, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause or proceeding wherein the attachment may be issued.

Attachment of witnesses.

Proviso.

Recognizance.

SEC. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and

Punishment for adultery.

- when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.
- Punishment for incest.** SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.
- Punishment for fornication.** SEC. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.
- Prosecutions for adultery may be instituted as for other crimes.** SEC. 6. That all laws of the legislative assembly of the Territory of Utah which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.
- Powers of commissioners in Utah.** SEC. 7. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.
- Powers of marshal of Utah.** SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory, possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.
- Marriage ceremonies in the Territories.** SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than one thousand dollars, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.
- To be prima facie evidence.**
- Punishment for violation.** SEC. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.
- Other proof admissible.**

SEC. 11. That the laws enacted by the legislative assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes", approved March twenty-second, eighteen hundred and eighty-two.

Laws of Utah allowing illegitimate children to inherit annulled.

Proviso.
Not retroactive.

Vol. 22, p. 31.

SEC. 12. That the laws enacted by the legislative assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid, except as a member of a county court; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

Jurisdiction of probate courts, Utah.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section three of the act of Congress approved the first day of July, eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah", or in violation of section eighteen hundred and ninety of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building, or the grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial ground shall be forfeited.

Proceedings to forfeit property of corporations in Utah to be brought. Vol. 12, p. 501. R. S., sec. 1890, p. 333.

Proceeds.
Proviso.
Houses of worship, etc.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

Production of books, etc.

SEC. 15. That all laws of the legislative assembly of the Territory of Utah, or of the so-called government of the State of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the legislative assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

Perpetual Emigrating Fund Company dissolved.

Immigration law forbidden.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to carry into effect the

Affairs of the company to be settled.

- Proceeds.** provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.
- Incorporation of Mormon Church dissolved.** SEC. 17. That the acts of the legislative assembly of the Territory of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section thirteen of this act and in section twenty-six of this act, to the respective trustees mentioned in section twenty-six of this act; and for the purposes of this section said court shall have all the powers of a court of equity.
- Proceedings to wind up.** proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section thirteen of this act and in section twenty-six of this act, to the respective trustees mentioned in section twenty-six of this act; and for the purposes of this section said court shall have all the powers of a court of equity.
- Dower rights.** SEC. 18. (a) A widow shall be endowed of third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage unless she shall have lawfully released her right thereto.
- Widow of alien.** (b) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.
- Lands exchanged for land.** (c) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.
- Out of mortgaged lands.** (d) When a person seized of an estate of inheritance in lands shall have executed a mortgage, or other conveyance in the nature of mortgage, of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed, as against every person except the mortgagee or grantee in such conveyance and those claiming under him.
- Lands purchased and mortgaged.** (e) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage, or other conveyance in the nature of mortgage, of his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or grantee in such conveyance or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.
- Sales under mortgage.** (f) Where in such case the mortgagee, or such grantee or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or such conveyance or by virtue of the decree of a court if any surplus shall remain after payment

of the moneys due on such mortgage or such conveyance, and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life, as her dower.

(g) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(l.) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

SEC. 19. That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and so much of the laws of said Territory as provide for the election of such judge by the legislative assembly are hereby disapproved and annulled.

SEC. 20. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the legislative assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 21. That all laws of the legislative assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

SEC. 22. That the existing election districts and apportionments of representation concerning the members of the legislative assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the Board of Commissioners mentioned in section nine of the act of Congress approved March twenty-second, eighteen hundred and eighty-two entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States in reference to bigamy, and for other purposes", in said Territory, forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said legislative assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

SEC. 23. That the provisions of section nine of said act approved March twenty-second, eighteen hundred and eighty-two, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the Board therein mentioned, shall continue and remain operative until the provisions and laws therein referred to be made and enacted by the legislative assembly of said Territory of Utah shall have been made and enacted by said assembly and shall have been approved by Congress.

SEC. 24. That every male person twenty-one years of age resident in the Territory of Utah shall, as a condition precedent to his right to register or vote at any election in said Territory, take and subscribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one

Absolute interest necessary.

Barred by divorce.

Appointment of probate judges.

Female votes prohibited in Utah.

Legislative laws for voting annulled.

Present election districts abolished.

Redistricting. Vol. 22, p. 32.

Only United States citizens to vote.

Registration and election officers.

Oath to be taken before voting.

- month immediately preceding the date thereof, and that he is a native-born (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct on or before the day of election. As a condition precedent to the right to hold office in or under said Territory, the officer, before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March twenty-second, eighteen hundred and eighty-two, entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment.
- Registration officer to administer.** All grand and petit jurors in said Territory shall take the same oath or affirmation, to be administered, in writing or orally, in the proper court. No person shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office of trust or emolument in said Territory who shall not have taken the oath or affirmation aforesaid. No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid approved March twenty-second, eighteen hundred and eighty-two, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.
- Official oath.** SEC. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each
- Jurors.**
- Disqualifications.**
- Schools in Utah. Superintendent. Commissioner to be appointed.**
- Territorial school laws suspended.**
- Statistics.**

year in the respective counties, the average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called gentiles, the number of children of Mormon parents and the number of children of so-called gentile parents, and their respective average attendance at school; all of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

SEC. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

Trustees for real property of religious corporations.

SEC. 27. That all laws passed by the so-called State of Deseret and by the legislative assembly of the Territory of Utah for the organization of the militia thereof or for the creation of the Nauvoo Legion are hereby annulled, and declared of no effect; and the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories: *Provided, however,* That all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof. The legislative assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress.

Militia laws of Utah annulled.

Militia.

Provided.
Officers.

Received by the President, February 19, 1887.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

Addendum J

Annual Report of Utah Commission (1887)

REPORT

OF THE

UTAH COMMISSION.

SIR: The great interest which has been manifested by Congress and the people generally in the affairs of Utah Territory has led us to believe that the following statements with respect to the Territory and its citizens will prove to be interesting information, especially so in view of recent events which have transpired in the Territory.

AREA.

Utah Territory has a maximum length of 325 miles by a breadth of 300. Its land area is 84,970 square miles (52,601,600 acres); water area, 2,780 square miles (1,779,200 acres). Nearly 13,000,000 acres of land have been or are now in progress of survey. Up to July 1, 1887, nearly 4,500,000 acres had been disposed of by the Government.

Valuation of property assessed in the several counties of the Territory of Utah; also the amount of property assessed in the names of non-Mormons, railroads, Western Union Telegraph and Telephone Companies, for the year 1886 (mines not included).

Counties.	Total valuation.	Belonging to non-Mormons.	Assessed to railroads, Western Union Telegraph and telephone companies.
Beaver	\$771,805	\$181,558	\$103,702
Box Elder	2,209,425	160,805	1,379,971
Cache	2,075,460	232,684	117,358
Davis	1,124,713	74,314	235,473
Emery	825,011	224,050	425,380
Garfield	173,807	25,375	.....
Iron	434,415	14,454	.....
Juab	1,078,751	85,151	299,606
Kane	206,518	26,570	.....
Millard	867,863	151,575	364,073
Morgan	397,626	34,834	185,589
Piute	219,888	48,125	.....
Rich	350,179	113,894	.....
Salt Lake	12,457,025	4,690,790	526,795
San Juan	304,760	*160,000	.....
San Pete	1,257,333	173,072	18,956
Sevier	559,743	*159,025	.....
Summit	1,725,080	*760,000	407,000
Tooele	1,012,761	107,216	109,420
Uintah	189,825	91,056	.....
Utah	3,249,676	506,162	528,475
Wasatch	356,658	62,500	.....
Washington	726,151	71,783	.....
Weber	3,158,738	976,466	405,216
Totals	35,655,802	9,131,450	5,107,014

* Estimated. In Summit County the estimate was made upon information received from a member of the county court; in Sevier and San Juan Counties, upon information received from reliable sources.

The non-Mormons own within a fraction of 25.61 per cent.; the Mormons own 60.07 per cent., assuming that all the remaining property, excepting railroads, etc., belongs to them. This, however, is not the fact, as there is a considerable amount of property belonging to non-Mormons in the different counties which could not be identified as to ownership. The railroads, etc., represent within a fraction of 14.32 per cent. They are owned by non-Mormons, except a minority interest in the Utah Central and one other small road.

POPULATION.

The first census of the Territory of Utah, taken in 1850, showed the population to be 11,380; the census of 1860, 40,273; of 1870, 86,786; and the latest, that of 1880, 143,963. The gain from 1850 to 1860 was 28,893, or 250 per cent.; from 1860 to 1870, 46,513, 110 per cent., or 1,150 for every 1,000 of population; from 1870 to 1880, 66 per cent., or 660 for every 1,000. The total gain from 1870 to 1880 was 23 per cent. greater than the total increase from 1860 to 1870. If the same relative gain has continued from 1880 to 1887, the increase would be 22 per cent. greater than from 1870 to 1880, and 43 per cent. greater than from 1860 to 1870, or a population in 1887 of 210,478. We estimate, however, the population at 200,000. The prosperity of the past seven years has been equal to that of any former period in the history of the Territory. The leading cities and towns and many of the smaller communities show a steady and gratifying growth. In the more remote counties the settlements have been gradually creeping to places formerly the habitat of wild animals and the hunting-ground of the Indian, supposed to be too desolate for habitation.

Emery county, which had but 2 organized precincts in 1880, has 12 in 1887; Piute county, 4 in 1880, has 11 in 1887, etc. There is every reason to claim that the same relative gain has been maintained, and that Utah now has a population of at least 200,000. This population is divided into two elements, Mormon and non-Mormon.

THE MORMON ELEMENT.

The Mormon element consists of the members of the Church of Jesus Christ of Latter-Day Saints.

On April 1, 1887, the total Mormon population in the Territories of Utah, Idaho, Arizona, Wyoming, and New Mexico, and the States of Nevada and Colorado, was 162,383, officially classed and ranked as follows: Three first presidents, 11 apostles, 65 patriarchs, 6,444 seventies, 3,723 high priests, 12,441 elders, 2,423 priests, 2,497 teachers, 6,854 deacons, and 81,283 members; total officers and members, 115,699. Children under eight years of age, 46,684. Grand total of souls, 162,383.

In the Territory of Utah the total number of officers and members and children under eight years of age was 132,297. (Children are baptized at the age of eight and received as members.)

The first Mormon settlement in the great inter-mountain basin was made at Salt Lake City, July 24, 1847. From thence the settlements have gradually extended along the base of the mountains wherever water could be found to irrigate the soil, until now they reach from as far north as the shores of the Bear Lake, Idaho, to the banks of the Gila, Arizona, on the south, and from the western part of Colorado, Wyoming, and New Mexico, to southeastern Nevada. These settle-

ments, with but few exceptions, have been made in the agricultural belt. At first the settlers experienced many of the hardships incident to pioneer life, but they met them cheerfully, and were delighted with the prospect before them. They had come to "a glorious valley to locate and build up Zion," and, as they believed, where they could practice undisturbed by human laws the peculiar teachings of their religious faith. They found a fertile soil, formed by denudations from the mountains, which has always, from the day it was first disturbed by the plow-share, been profusely bountiful in its yield, and the declivities of the mountains covered with bunch grass (wild wheat), which furnished rich pasturage to their cattle. They also found a climate not surpassed by that of any portion of the country, where the rays of the summer sun are tempered by the cool breezes from the cañons, and the severity of the winter is softened by the mountains which shelter the valleys. These beautiful valleys are now dotted with thriving settlements, and have the appearance of a vast garden watered from an infinite number of irrigating canals, the result of the industry of the people.

These settlements have been organized into bishop's wards, and these wards into stakes of Zion. The boundaries of the wards are mainly co-extensive with the precinct lines, and the boundaries of the stakes with the county lines. There are in Utah 293 wards, in Idaho 52, in Arizona 28, in Nevada 6, in Colorado 4, in Wyoming 3, and in New Mexico 2, a total of 388. There are in Utah 18 stakes, in Arizona 3, in Idaho 2, in Colorado 1, and 6 partly in Utah and some one of the surrounding States and Territories. The wards are presided over by a bishop and two counselors, and a corps of officers, priests, teachers, and deacons, who look after the different districts into which the wards are divided. The stakes are presided over by a president and two counselors, with a similar corps of officers to assist them. The entire church is presided over by either a first presidency or an apostle's quorum. Three times in the history of the church a first presidency has been organized; the last consisting of John Taylor, with George Q. Cannon and Joseph F. Smith as his counselors. The death of John Taylor has dissolved the first presidency, and the government of the church now rests upon the quorum of the twelve apostles, of which Wilford Woodruff, an aged and energetic man, is president. He is now the virtual head of the church, which will continue to be governed by the apostles, it is presumed, until another revelation is received reviving the first presidency.

The wards report to the stakes, the stakes to the head of the church. There are, however, other officers and organizations of importance in the church. There are seven first presidents of the seventies. The seventies are local organizations, consisting of a quorum of seventy elders; each of these organizations is governed by seven presidents, and each of the seven presidents by a president. There is a presiding bishop of the church whose most important duty seems to be the collection of the tithes (he has agents, one in each of the stakes), and a head patriarch who blesses the people by the laying on of hands. There is also a high council in each of the stakes whose work is done in secret. In each of the ward districts the quorum of teachers are directed to visit each family periodically and look after their spiritual welfare. Each ward has a meeting-house, young men's mutual improvement society, primary association for young children, and a relief society.

The various organizations report semi-annually, and there is kept at the church office in Salt Lake City a complete statistical history of the

church. The number of members, marriages, births, deaths, baptisms, excommunications, &c., are set forth in detail.

The Mormons believe in the Bible (Old and New Testament), the Book of Mormon, and the revelations claimed to have been made to the prophets of the church. These revelations relate to various subjects, from the apportionment of town property down to the naming of church officers and affairs connected with the church government. One of the revelations known as the "Word of wisdom" counsels the people not to use strong drinks, tobacco, and hot drinks (tea and coffee). The revelation commanding polygamy was said to have been received from the Lord by Joseph Smith in Nauvoo, Hancock County, Illinois, July 12, 1843. Its binding force upon the Mormon people; believing as they do in their church and its teachings, will be understood from the following extract:

For behold, I reveal unto you a new and everlasting covenant; and if ye abide not that covenant then are ye damned, for no one can reject this covenant and be permitted to enter my glory.

In the church government obedience is exacted from every member. In removing from one ward to another they must secure a recommendation from their bishop, which certifies to their standing in the church. Persons desiring to be married, or to enter into polygamy, must also secure a recommendation from the bishop of their ward. Every member must hold himself ready, irrespective of personal considerations, to leave his home to go as a missionary to other lands, and he must also be ready to remove his family and effects to such place as the heads of the church may direct him to go. The Mormon settlements in Arizona and other places outside of Utah were made in obedience to such a command. At the Utah stake conference, held February 27, 1881, the names of twenty-nine heads of families were announced as missionaries for permanent settlement at Saint John's, Ariz. In a few weeks these families were on their way to make a new home in a strange place. At other conferences held in Southern stakes, at different times, many families were also sent as missionaries to Arizona.

The Mormon church teaches its members not to enter the Territorial courts to settle their difficulties. It has provided a system of courts within the church. First, there is a ward court known or designated as a "bishop's court," consisting of the bishop and his two counselors. They are empowered to try all minor cases arising among the people, both of a temporal and spiritual nature, and to sit in judgment upon transgressors. For a long period they assumed jurisdiction of questions of marital separation and divorce; but we are not advised as to whether this jurisdiction is still exercised. From this court an appeal lies to the "stake court," consisting of the president of the stake and his two counselors. This court has also original jurisdiction. The court of last resort, possessing appellate, original, and exclusive jurisdiction, is the first presidency, or the apostles' quorum, as the case may be. The mandate of this court must be accepted and obeyed, under penalty of excommunication, which means a denial of all the benefits of the church, social ostracism, and a withdrawal of the patronage and support of the Mormon people.

The payment of tithing and other donations for the support of the church is vigorously urged as a religious duty. At a church conference President John Taylor said:

You want to pay your tithing honestly and squarely, or you will find yourselves outside the pale of the church of the living God.

The amounts collected from the people for tithing exceeded \$500,000 annually. In 1870 the amount was \$425,000; in 1880, \$540,000. The amount received for temple building is also very large. At the October conference of 1880 it was announced that the uncompleted Manti and Logan temples had cost to date, respectively, \$207,977.35 and \$252,147.78.

The building of the Salt Lake Temple was commenced September 6, 1853, and will not be finished for years to come. It has cost millions of dollars. The church has become quite wealthy. In 1880 John Taylor stated that the church held \$430,000 of the paid-up capital stock of Zion's Co-operative Mercantile Institution, which pays large dividends, and which was organized by Brigham Young for the purpose of depriving non-Mormons of Mormon patronage. It owns or did own the Deseret telegraph system; the Zion's Savings Bank; the Deseret Evening News; the Deseret paper-mill; a church farm south of Salt Lake City of over 1,300 acres; street-railway stock; stock in the Deseret and other national banks; railroad shares and bonds; and a large amount of real estate in Salt Lake City and elsewhere of great value.

The heads of the church teach and impress upon the people to be united and submissive in their political action to the will of the leaders of the church. At a general conference of the church President Taylor said:

We have to lay aside our covetousness and our pride and our ideas that are wrong, and be united in our political affairs, in our temporal affairs, under the direction of the holy priesthood, and act as a mighty phalanx under God in carrying out his purposes here upon this earth.

In connection with this exercise of political control is the dream of empire which all through their history has cheered them with its pleasing illusions of future power. They teach and preach and apparently believe that the portion of the country in which they now reside was set apart to become the abiding place of the saints, where is to be erected the kingdom of God upon earth. Their missionaries preach that God has commanded his people to gather to the mountains, to the Zion of the Lord, to receive their inheritance at the hands of his servants. This idea is very clearly set forth by Brigham Young, in a remarkable thanksgiving proclamation from him as governor of the Territory, dated December 19, 1851. We reproduce the opening paragraph. The italics are ours:

It having pleased the Father of all good to make known his mind and will to the children of men, in these last days, and through the ministration of his angels, to restore the holy priesthood unto the sons of Adam, by which the gospel of his son has been proclaimed and the ordinances of life and salvation are administered, and through which medium the Holy Ghost has been communicated to believing, willing, and honest minds, causing faith, wisdom, and intelligence to spring up in the hearts of men, and influencing them to flow together from the four quarters of the earth to a land of peace and health, rich in mineral and vegetable resources, *reserved of old in the councils of eternity for the purposes to which it is now appropriated*; a land choice above all other lands, far removed from strife, contention, divisions, moral and physical commotions that are disturbing the peace of the nations and kingdoms of the earth.

The church leaders have been very much disturbed by the sale of property to non-Mormons, and have from the pulpit urged upon the people not to sell their inheritance in Zion, that has been entrusted to them to carry out the purposes of the Lord, and not for the purposes of gain.

The people are very tenacious of what they claim to be their rights, and have never yielded a point. They stand to-day where they stood when they first entered the Territory. They persistently claim that

they have been persecuted. September 29, 1851, in a letter to the President, Governor Young said :

That no people exist who are more friendly to the Government of the United States than the people of this Territory. The Constitution they revere, the laws they seek to honor. But the non-execution of those laws in times past for our protection, and the abuse of the power in the hands of those we have supported for office, even betraying us in our hour of our greatest peril and extremity, by withholding the due execution of the laws designed for the protection of all the citizens of the United States.

Similar protestations of loyalty have been made from time to time down to a very recent period.

Undoubtedly in Missouri and Illinois they were the victims of many unlawful attacks; but there has always been something in their methods which have excited the opposition and the distrust of every people among whom they have lived. They have been invited and had it in their power while in Utah to settle honorably the contest which has been waged between the Government and them. All that has been asked of them is to acknowledge the supremacy of the law.

The Mormons control a territory almost as large as the area of the States of New York and Pennsylvania combined, and a controlling influence in a tract of territory as large as that of the New England and Middle States combined. They have established in this Territory a religious system, with a political attachment, the two forming a strong compact government, with the power of control centered in a few men who claim the right to speak by Divine right, and whose advice, counsel, and command is a law unto the people.

The majority of the Mormons are a kindly and hospitable people. They possess many traits of character which are well worthy of emulation by others. In their local affairs they strive to suppress the vices which are common to settled communities. In matters of religion they are intensely devotional, rendering a cheerful obedience to their church rules and requirements. They possess many of the elements which under wise leadership would make them useful and prosperous people.

THE NON-MORMON ELEMENT.

The strength of the non-Mormon element cannot be accurately stated. The population of the Territory has been given at 200,000. If from this be deducted the strength of the Mormon element, 132,277, we have 67,723 not claimed by the Mormon church; but of these there are many whose sympathies remain with it. They have been raised in Mormonism and, although they have drifted away, they probably act with their former friends in political matters. The non-Mormon strength will probably not exceed 55,000.

In Salt Lake City and Ogden they have prosperous communities, mainly engaged in business. The strength of the element, however, is to be found in the mining camps. Gold and silver mining began in Utah in 1869-'70. Since then a vast amount of capital has been invested in mines.

The great body of the Gentiles are equal in intellect, courage, and energy to those of any other community. When they went to Utah they found all the agricultural land that had water convenient already appropriated. Both the land and the water had been secured, and land without water is practically worthless for agriculture in that Territory. There was nothing left for them but the mines. These they searched for and, as found, opened. This is work that none but superior men can

carry through. It takes capital, courage, faith, sagacity, endurance, and ceaseless work. Of all the mines found some have brought rich returns. But of these a vast proportion goes for labor, for supplies, for machinery, and to make roads. Silver mines are generally found among almost inaccessible mountain tops, and every movement connected with them is costly. These mines have yielded, up to the present time, \$96,000,000. Quite half the sum has been paid to Mormons for labor and supplies, and through this, from a very poor people, they have become very prosperous. They possessed the land when the Gentiles went among them, but they were so poor that some whole families did not secure \$10 in money throughout the year.

What the Gentiles have been able to accomplish has been in spite of the Mormon combined competition and opposition. They wrenched from the rugged and barren mountain tops the gold and silver until they owned of the assessed property of the Territory nearly one-third, exclusive of railroad property.

A brief description of the Little Cottonwood mining district, where mining is conducted under more than ordinary difficult circumstances, will convey an adequate idea of the toil and danger which attends, and of the superior abilities required for, successful mining. This mining district is located in Little Cottonwood Cañon, the mouth of which is some 15 miles distant from Salt Lake City. Entering the cañon, the granite walls rise 4,000 feet above the valley. The granite forms the cone, around which the mountains have grown until their peaks are 13,000 feet above the level of the sea and nearly 8,000 feet above the valley. Passing up the cañon the granite walls continue for 5 miles, rising in grandeur far above the tramway which transports passengers and freight to the mining town of Alta, 8 miles above. The grade is over 350 feet to the mile. Snow-sheds cover the rails nearly the whole distance. Leaving the granite, we pass a great quartzite reef, interspersed with shales. Above this the limestones (the Silurian, Devonian, and Carboniferous) rise in succession. In the limestones the ore is found, and scattered around the steep declivities can be seen the cabins of the miners. The rock is so hard that the average cost of tunneling is some \$10 per foot. Miles of tunnels have been run at an enormous cost. The snow commences to fall in August and September and continues until the following May. The average fall is 30 feet. At Alta City, where the elevation is nearly 9,000 feet, the average depth covering the ground the winter through is 15 feet. The citizens communicate with each other through tunnels run under the snow. The tramway is closed in the early fall, and the only means of communication with the valley below for six months of the year is by a hazardous trip down the cañon through the deep snow. The snow gathers around the summits of the peaks in such heavy masses that snow-slides are of frequent occurrence. Since 1870, 132 persons have perished in this cañon from these slides, and the town of Alta has been repeatedly swept as if by a cyclone. Many of the miners work in the mines all the year round. One has built a cabin under the summit of "Old Baldy," a peak between the Little Cottonwood and American Fork Cañons, 10,500 feet above the level of the sea. In these high altitudes the rocks which lift their heads through the soil become bare. The tempests have left them naked and gray. A life in these vast solitudes is not very enchanting, and yet thousands of energetic, able, and patriotic men pass their lives among them, the great majority deprived of many of the comforts of life, and, by unremitting toil, contributing to the material wealth of the Territory.

Leaving the mining camps and returning to the valleys we find the non-Mormons supplying the majority of the capital which is invested in the different avenues of business, and the brains which give life and force to the different channels of trade. They are also engaged in the important work of educating the youth of the Territory. By their efforts mission schools have been established in Salt Lake City, Ogden, and nearly every community of importance in the Territory, which have been very successful.

In Salt Lake City the Protestant Episcopal Church established its first school in 1867. Then it had a school with 16 pupils; now it has 4 schools with 29 teachers and 539 pupils. The Methodist Church opened its first school September 20, 1870, with 28 pupils; now they have 20 schools with 36 teachers and 1,060 pupils. The Presbyterians opened their first school April 12, 1875, with 30 pupils; now they have 33 schools with 67 teachers and 2,110 pupils. The Salt Lake Academy opened its doors in the fall of 1878, under the auspices of the Congregational Church. They had, in 1886, 22 schools with 43 teachers and 1,900 pupils. The Baptist Church came into the Territory in 1884. They have 1 school with 1 teacher and 74 scholars. The first Catholic school was commenced in the fall of 1875; they now have 6 schools with 53 teachers and 880 pupils. The Swedish Lutheran Church opened a school last year with 1 teacher and 35 pupils. A grand total of 87 schools, 230 teachers, and 6,668 scholars.

These different denominations have now in Utah 62 churches of the value of \$453,950, as follows:

Denomination.	Number of churches.	Value.
Protestant Episcopal	4	\$127, 650
Methodist	26	119, 000
Catholic	6	25, 300
Presbyterian	18	115, 000
Congregational	5	25, 000
Swedish Lutheran	1	12, 000
Baptist	1	25, 000
Josephite Mormon	1	5, 000

Also 12 preaching stations.

The non-Mormons have always been regarded as intruders in Utah, and are referred to as "outsiders." Within the past five years one of the first presidency of the Mormon church in an address delivered in the Mormon Tabernacle, in substance said, "We ought never to have let them secure a foothold here;" and this expresses the sentiments of the great majority of the Mormon people. They attribute the troubles which have come to their leaders to the presence of these "outsiders," and not to the awakened public sentiment of the nation. The non-Mormons who have played a conspicuous part in the work of reforming the Territory are referred to as "aggressive persons, blatant assailants of the religion and politics of the majority of the business men and people of the Territory, "conspirators and adventurers." In illustration of this feeling we refer to the organization of the chamber of commerce at Salt Lake City. This movement was made under the lead of Governor West, and business men of every shade of opinion were invited to participate and to work for the common benefit of all.

The prominent non-Mormons became members of the chamber. The *Deseret Evening News*, the authorized exponent of the views of the

Mormon church, speaking of the movement and referring to them, said :

How much harmony can be expected in such a heterogeneous commingling of antagonistic forces. If the business men of the Territory want to work together for business purposes, all such plotters against the peace of the Territory and obstacles to its material interest will necessarily have to withdraw or be removed from the organization. How can any man with self-respect fraternize and hold intimate relations with persons who have deliberately plotted and labored with all their might to misrepresent him and his friend and rob them of every political right that is valued by free men. Through their efforts the wives, daughters, sisters, and mothers of the business men who are invited to help boom these agitators into influence and prosperity have been deprived of the franchise and relegated to political serfdom, on a level with felons, idiots, and lunatics.

This extract thoroughly explains the feeling entertained by the majority against those of the minority who have been persistent in urging Congress to provide a remedy for the evils which they believe to exist there.

The chamber of commerce was organized, is prosperous, and has proved a valuable ally to the business community. The non-Mormon element has brought to Utah enterprise and capital, the school book, and the Bible. Their mining industries have created a market for the sale of the surplus products of the Mormon farmer, and employment for the surplus labor; their schools and churches are promoting the temporal and spiritual welfare of the people. The majority of the non-Mormons impress us as being enterprising and public-spirited citizens, who are warmly attached to their country and its laws.

THE POLITICAL HISTORY OF UTAH AND POLYGAMY.

The political history of the Territory of Utah and the system of plural marriage are so closely interwoven that the one cannot be considered separate and apart from the other. In fact, since July 24, 1847, polygamy has given tone to the political policy of the Mormon people. Under the provisional government of the State of Deseret, and the Territorial government which followed after, every act of the legislative assembly which had, even remotely, a political bearing, was voted up or down solely upon the question of its relation to the overshadowing interest. Every effort has been made to strengthen polygamy which the strength of forty years could suggest, and every chord has been struck which it was supposed might send back a responsive and friendly note.

The result has been that nearly every man of prominence in the church became a polygamist; the controlling intellect of Utah became involved in the practice. They filled nearly every office of importance in the church, and in the Territorial and county governments, and had a large majority of every legislative assembly down to the year of 1882, when the "Edmunds law" disqualified them. Utah was governed by men who seemed determined to build up in the heart of the American continent a polygamous empire.

The statistics for 1880 will give an idea of how far they had progressed.

The census found a population of 143,962, of which 60,576 were over twenty-one years of age; about 10,000 of these are estimated to be non-Mormons.

The number of persons then living in polygamy was found, after careful inquiry, to be about 12,000, and there were at least 3,000 who had lived in polygamy, but a separation had been effected by death or

otherwise, making a total of 15,000, or 30 per cent., of the adult Mormon population, or one out of every $3\frac{1}{3}$, who had entered into polygamy. While all did not enter into polygamy, all believed it right as a divine revelation and upheld it in those who chose to enter into the relation. The system was united by ties of kindred with nearly every Mormon family in the Territory.

Utah was controlled by the bishops of the church, under the direction of Brigham Young, from July 24, 1847, to March 18, 1849, at which time was organized the provisional government of the State of Deseret. The apostle of the church, in a general epistle, said they had petitioned Congress for the organization of a Territorial government, and until the petition was granted they were under the necessity of organizing a local government. Brigham Young was elected governor of the State. The most important act of the legislative assembly of the new State was the incorporation of the Church of Jesus Christ of Latter-Day Saints, section 3 of which we here produce, under the form of law, and which, we think, directly sanctioned the practice of polygamy :

SEC. 3. *And be it further ordained,* That, as said church holds the constitutional and original right, in common with all civil and religious communities, "to worship God according to the dictates of conscience," to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ; for the security and full enjoyment of all blessings and privileges, embodied in the religion of Jesus Christ free to all; it is also declared that said church does, and shall possess and enjoy continually, the power and authority, in and of itself, to originate, make, pass, and establish rules, regulations, ordinances, laws, customs, and criterions for the good order, safety, government, conveniences, comfort, and control of said church, and for the punishment and forgiveness of all offenses, relative to fellowship, according to church covenants; that the pursuit of bliss and the enjoyment of life, in the capacity of public association and domestic happiness, temporal expansion, or spiritual increase upon the earth, may not legally be questioned, *Provided, however,* That each and every act or practice so established, or adopted for law, or custom, shall relate to solemnities, sacraments, ceremonies, endowments, consecrations, tithings, marriages, fellowship, or the religious duties of man to his Maker; inasmuch as the doctrines, principles, practices, or performances support virtue and increase morality, and are not inconsistent with, or repugnant to the Constitution of the United States, or of this State, and are founded in the revelations of the Lord.

The Edmunds-Tucker act of March, 1887, annulled this act, and directed the Attorney-General of the United States to close up the affairs of the church.

January 27, 1851, the news reached Salt Lake City that Congress had created the Territory of Utah, and that President Fillmore had appointed Brigham Young Territorial governor. No appointment could have been made which would have been more satisfactory to the Mormons. Brigham Young was their leader, ruler, and prophet. He was reappointed governor by President Pierce, and served till July 11, 1857. The influence of this appointment upon the future of Utah was far-reaching. It enabled the Mormon people to adopt a system of laws which gave them absolute control over the Territorial government, and stripped the Federal officers of all authority and power. At an early day laws were passed conferring upon probate courts concurrent jurisdiction with the district courts, and owing to the claim and exercise of jurisdiction by these probate courts, under Territorial laws, the district courts, as representatives of the national authority, continued to be practically nullities until 1874. In 1874 (by the Poland act) Congress defined and limited the jurisdiction of the several grades of courts in the Territory.

The act as it passed the House of Representatives placed the power of naming jurors for the courts with the United States marshal; but

by a provision of the act imposed at its last stage, the power to name one-half of the panel was restored to the old agency, by reason of which acts of Congress distasteful to Utah remained dead letters till 1882-'83, when the "Edmunds act" disqualified Mormons from jury service in polygamy and unlawful cohabitation cases.

In 1885 it was held and affirmed in the case of Rudger Clawson, indicted for polygamy, that the district courts were not confined to the panel so named, but, after its exhaustion, might resort to an open venire. This decision removed the clog from the enforcement of the laws which had existed for over thirty years (the result which followed from the appointment of Brigham Young as governor). Prosecutions and convictions for polygamy and unlawful cohabitation under the laws of Congress became possible, and so successful and efficient have these prosecutions been for three years past that a great number of convictions, particularly for the latter offense, have been had, and a large number of offenders, including the most prominent and influential leaders, have fled or gone into concealment to avoid conviction. In furtherance of the purpose of obtaining control of the Territory, an independent military organization was established by law in violation of the organic act which makes the governor of the Territory "commander-in-chief of the militia thereof." This independent organization was forced to disband by Governor Shaffer in 1870. Laws were also adopted for the election of certain officers which the organic act imposes upon the governor the duty of appointing. The Attorney-General of the United States has decided the power to appoint lies with the governor, but the legislative assembly persistently refuses to remedy the wrong.

In 1851 polygamy was publicly proclaimed as a tenet of the church by alleged "Divine revelation," by Brigham Young, president of the Mormon church and governor of the Territory.

At a special conference of the Mormon church, held at Salt Lake City during the same year, was begun the controversy between the Mormon people and the representatives of the Federal Government, which has continued till the present time. Judge Brocchus, of the Territorial supreme court, who was present, rebuked the people for their polygamous practices. His speech was, as he said, "the result of deliberation and care." It gave great offense to Brigham Young and the Mormon people, who charged him with falsifying "the eternal principles of truth," and with insulting the Mormon women.

From 1851 to 1862 polygamy flourished unchecked and uncontrolled. The Mormon people claim that plural marriage during this period was not unlawful. Certainly there was no statute law against the practice of polygamy, and if the common law did not come into the Territory at the time the United States acquired possession they are right, but it is an indisputable fact that the common law was in full force during these years. The act of 1862 provides that—

Every person having a husband or wife living who marries another, whether married or single, in a Territory or other place over which the United States has exclusive jurisdiction, is guilty of polygamy, and shall be punished by a fine of not more than \$500, and by imprisonment for a term of not more than five years.

The Mormon people claimed the law was not constitutional. At the first session of the legislative assembly following, Governor Harding, in his message, said :

I respectfully call your attention to an act of Congress passed the first day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and in other places, and disapproving and annulling certain acts of the Territorial legislative assembly of the Territory of Utah. I am

aware that there is a prevailing opinion here that said act is unconstitutional, and therefore it is recommended by those in high authority that no regard be paid to the same, and still more be regretted, if I am rightly informed, in some instances it has been recommended that it be openly disregarded and defied merely to defy the same. I take this occasion to warn the people of this Territory against such dangerous and disloyal courses. Whether such acts are unconstitutional or not, it is not necessary for me either to affirm or deny. The individual citizen, under no circumstances whatever, has the right to defy any law or statute of the United States with impunity. In so doing he takes upon himself the risk of the penalties of that statute, whatever they may be, in case his judgment should be in error. The Constitution has amply provided how and where all such questions of doubt are to be submitted and settled, viz, in the courts constituted for that purpose. To forcibly resist the execution of this act would be, to say the least, a high misdemeanor, and if the whole community should become involved in such resistance would call down upon it the consequences of insurrection and rebellion. I hope and trust that no such rash counsel will prevail. If, unhappily, I am mistaken in this, I choose to shut my eyes to the consequences.

The timely advice contained in the recommendations of Governor Harding was not heeded. The people continued to violate the law with impunity. The courts and the officials were powerless, under the Territorial statutes, to enforce and execute the punitive provisions of the law. The anomalous condition of affairs was presented of the will of the nation being ignored by a few men who claimed the sanction of Divine authority for their acts. It is reported that the Mormons make the claim that they were led to believe by national authority that the law of 1862 was not to be enforced, but was to remain a dead letter on the statute books. Certainly this was an error, and nothing but the fact that the time of Congress was occupied with matters involving the life of the nation, and, after the war, with other matters of importance, prevented prompt and energetic action on the subject. Congress has at every opportunity taken occasion in the most signal manner to express its abhorrence of the practice of polygamy. On June 23, 1874, the "Poland act" became a law. It was the first law by which Congress had struck at the judicial system under the cover of which the Mormons had so long rendered the district courts powerless. The jury panel was now to be selected by the clerks of the district courts and the probate judge of the county in which the terms of court were held. Two hundred names were to be selected annually, 100 by each. The experiment of mixed juries proved a failure. The grand juries were about equally divided, which rendered abortive all attempts to indict polygamists. In 1878 a partial relief came from an unexpected source. The legislative assembly passed an act regulating the mode of procedure in criminal cases, which provided for challenges for actual bias to be tried by triers appointed by the court. When the case of Miles, indicted for polygamy, was reached for trial, the district attorney challenged the Mormon jurors for actual bias. The court appointed triers and the challenge was sustained. The Mormon legislature had practically adopted the California code, which contained this provision, probably not anticipating such a construction by the court. The act popularly known as the "Edmunds act" was approved March 22, 1882. A penalty for polygamy was made the same as that fixed by the laws of 1862. A penalty was also provided "against any man who simultaneously, or on the same day, married more than one woman." "Simultaneous" nuptials was an expedient adopted to protect those who chose to violate the laws. The law further provided a penalty for unlawful cohabitation. Heretofore the law made the marriage the crime. Now, the living together, the holding out of two or more women to the world as wives, was made a misdemeanor. The great necessity for this amend-

ment arose from the difficulty of securing the conviction of polygamists.

The entire Mormon community conspired to conceal the evidence of such marriages until the statute of limitations would prove a bar to prosecution; then the polygamous relation would be openly acknowledged. Before the passage of this act the Mormon leaders were frequently seen on the streets, in the theaters, and other public places with their polygamous wives. The law also provided for amnesty to such offenders as would in good faith renounce polygamy. Eighty-one persons have thus far been amnestied by the President. The issue of polygamous marriages before January 1, 1883, were legitimated.

The vital importance of making the continuance of the polygamic relation a misdemeanor is seen in the incipient contest which it has produced in the Mormon Church. At first, several of the persons thus arraigned promised in open court to obey the laws thereafter, and this in the face of strenuous opposition. The *Deseret News*, the Church organ, editorially proclaimed that no Mormon could consistently make such a promise without violating obligations which bound him for time and eternity. Those who did so were referred to in a manner calculated to make their neighbors feel that they had incurred disgrace. In the case of John Sharp decisive action was taken. He was a prominent man in the Territory, a gentleman of high character, who had secured the respect of the people. He had the courage and patriotism to appear in court and announce his intention to obey the laws. He was promptly removed from the office of bishop of the twentieth ward of Salt Lake City, in which office he had become endeared to the people by associations extending beyond a period of twenty years. It was thought that his patriotic force would have an influence upon others and encourage them to respect the law. Hence the summary treatment he received.

During the two years ending August 31, 1887, but two or three persons convicted of unlawful cohabitation have promised to obey the law to escape imprisonment.

At the September term, 1887, of the third district court the first two persons convicted of unlawful cohabitation promised to obey the law for the future. It is proper we should here say that an opportunity has always been given to these people, by the court, to escape punishment by a promise to obey the laws.

Since the passage of the Edmunds law of 1882 the following number of persons have been indicted and convicted for unlawful cohabitation and polygamy:

Offense.	Number indicted.	Number convicted.
Unlawful cohabitation.....	541	289
Polygamy.....	27	14
Total.....	568	303

Many of the persons indicted have fled, or have concealed themselves to escape arrest.

In the enforcement of the law the present officers of the Federal courts in Utah are entitled to special commendation, and this should also include the late able and efficient prosecuting attorney.

While but a small proportion of the offenders have been convicted, the tension produced by these prosecutions cannot be overestimated. Actuated by a determination not to recognize the supremacy of national

laws where they forbid crimes sanctioned by a religious creed, it is not surprising that the leaders have resorted to unusual methods to defeat the law, and so great is their influence and so compact their organization, that the entire membership have been a unit in aiding and abetting the offenders in their obstructive course and in escaping the penalty of their crimes. The law of 1882 invites the Mormon people, through their legislative assembly, to bring Utah into harmony with the expressed will of the nation; to recognize the fact that every interest must remain subordinate to the general welfare and be subjected to the Constitution and the laws; to cease the wretched policy of evasion and resistance to law, which, if persisted in, will destroy the public pride and result in moral decay; and to correct the wrongs which have so long held Utah up to the public gaze in deplorable pre-eminence.

Governor Murray, in his message to the legislative assembly of 1884, the first after the passage of the Edmunds act of 1882, and again in 1886, called attention to the invitation to the Mormon people contained in the law, and expressed his willingness to co-operate with them in the adoption of proper measures.

The national laws relating to bigamy and polygamy have been in effective operation for about three years.

Standing face to face with the law, the leaders and their obedient followers have made no concession to its supremacy, and the issue is squarely maintained between assumed revelations of the laws of the land. As late as August 23, 1887, and seven weeks after the adoption of the proposed State constitution at Provo City, Utah, a public reception was tendered by the Mormon people at their meeting-house to several persons, polygamists, who had just been released from the penitentiary. Among the speakers were two of the stake presidency, two bishops and elders of the church, nearly all of whom were polygamists, and who proclaimed their intention to live in the future as they had in the past.

The two elements of population are divided into the People's party (Mormon) and the Liberal party (non-Mormon). Up to 1870 the Mormons had no opposition, except in 1867, when a non-Mormon candidate for Delegate to Congress received 105 votes. The Liberal party was organized in 1870, and has continued to maintain its organization up to the present time. Its highest vote was polled for Philip T. Van Zile, candidate for Delegate to Congress at the first election held under the law of March 22, 1882. He received 4,884 votes against 23,039 for John T. Caine. This brings us down to the registration and election of 1887.

THE REGISTRATION AND ELECTION OF 1887.

The first annual election since the act of Congress prescribing a registration oath for voters was held on August 1, of this year, and was preceded by a registration under that act, made in the months of May and June last. The Commission, after careful consideration, to aid in securing uniformity of action by the registration officers, formulated and submitted to them for their use, as an advisory act on the part of the Commission, a form of registration oath, substantially in the words of the act, as follows:

TERRITORY OF UTAH,
County of _____, ss:

I, _____, being duly sworn (or affirmed), depose and say that I am over twenty-one years of age, that I have resided in the Territory of Utah for six months last past, and in this precinct for one month immediately preceding the date hereof;

and that I am a native born (or naturalized, as the case may be) citizen of the United States; that my full name is _____; that I am _____ years of age; that my place of business is _____; that I am a (single or) married man; that the name of my lawful wife is _____, and that I will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes," and that I will also obey the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' approved March 22, 1882," in respect of the crimes in said act defined and forbidden, and that I will not, directly or indirectly, aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication.

Subscribed and sworn to before me this _____ day of _____, 188—.

Deputy Registration Officer for _____ Precinct, _____ County.

Although the person applying to have his name registered as a voter may have made the foregoing oath, yet if the registrar shall, for reasonable or probable cause, believe that the applicant is then, in fact, a bigamist, polygamist, or living in unlawful cohabitation, incest, adultery, or fornication, in our opinion the registrar may require the applicant to make the following additional affidavit:

TERRITORY OF UTAH,
County of _____, ss :

I, _____, further swear (or affirm) that I am not a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabitating polygamously with persons of the other sex, and that I have not been convicted of the crime of bigamy, polygamy, unlawful cohabitation, incest, adultery, or fornication. _____.

Subscribed and sworn to before me on this _____ day of _____, 188—.

Deputy Registration Officer for _____ Precinct, _____ County.

NOTE.—Those parts of the above forms in relation to being "sworn or affirmed," and as to being a "native born or naturalized citizen," and as to being a "single or married man," should be changed by erasure or a line drawn through the words so as to be applicable to the case.

Prior to the registration, and under the date of April 4, 1887, the central committee of the People's party (Mormon) issued an address, advisory, to the voters of the party, in which the oath prescribed by the act was commented upon, interpreted, and explained, and the voters informed that, as to male voters, there is nothing in the act which need necessarily reduce their numbers; that duty called them to wakefulness and activity, and all who could take the oath were urged to do so. The substance of the interpretation is in this extract:

The question that intending voters need, therefore, ask themselves are these: Are we guilty of the crimes in said act; or, have we the present intention of committing these crimes, or of aiding, abetting, causing or advising any other person to commit them? Male citizens who can answer these in the negative can qualify, under the existing laws, as voters and office-holders.

This interpretation does not seem to be a correct exposition of the law, and is well adapted to quiet the conscience of the voter and invite him to find his mind free from any intention relating to the subject. The clear meaning of the law is that the voter must have a *present affirmative intention to obey the law in the future*; while the interpretation given by the People's party invites him to take the oath, he can merely say *he has not a present affirmative intention to violate the law*. The law prescribes a rule of action to bind the voter for the future which can

not be broken without subjecting him to the reproach of moral perjury.

When a law can be assumed to express the will and belief of a people subject to its provisions, those who have not formed the intention to violate it, may fairly be assumed to have the intention to obey it, and in such cases the distinction between an *actual* intent to obey, and a *formal* intent to disobey, a law might not be of much practical importance, for a good citizen who had not formed an intention to violate the law might well be assumed to have an intention to obey it. When, however, the law expresses neither the will nor the belief of a great majority of a people, the assumption of the intention to obey cannot be affirmed from the absence of a formal intention to disobey, and, like some other inviting ground, the field of *no intention* may be broad, and, to those who may wish to occupy it, very desirable. The address was well calculated to invite the "intending voter" to silence the promptings of his conscience in relation to an institution which they claim is "interwoven with their dearest and earliest hopes connected with eternity" in favor of increasing the number of voters of the "People's" party. The address further contained the remarkable statement that this was "not a time to indulge in "bogus" sentiment.

Members of the Liberal party, in view of the evasive interpretation given by the central committee of the "People's" party, were not satisfied with the form of oath formulated by the Commission, and asked the Commission to recommend a form of oath which they claimed was necessary to bring the true intent and meaning of the law within reach of the conscience of the voter, as follows:

TERRITORY OF UTAH,
County of _____ ss:

I, _____, being duly sworn (or affirmed), depose and say that I am over twenty-one years of age; that I have resided in the Territory of Utah for six months last past, and in this precinct for one month preceding the date hereof; that I am a native-born (or naturalized as the case may be) citizen of the United States; that my full name is _____; that I am _____ years of age; that my place of business is _____; that I am a married (or single) man; that the name of my lawful wife is _____; that I will support the Constitution of the United States, and will faithfully obey the laws thereof; that I will especially obey the acts of Congress prohibiting polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication; that I will not hereafter at any time, within any Territory of the United States, while said acts of Congress remain in force, in obedience of any alleged revelation, or to any counsel, advice, or command, from any persons or source whatever, or under any circumstances, enter into plural or polygamous marriage, or have or take more wives than one, or cohabit with more than one woman; that I will not at any time hereafter in violation of said acts of Congress, directly or indirectly, aid or abet, counsel or advise, any person to take, have, or to take more wives than one, or to cohabit with more than one woman, or to commit incest, adultery, or fornication; that I am not a bigamist or polygamist; that I do not cohabit polygamously with persons of the other sex, and that I have not been convicted of any of the offenses above mentioned.

Subscribed and sworn to before me this _____ day of _____, 18____.

Deputy Registration Officer for _____ Precinct, _____ County.

This request the Commission declined, in substance holding the form previously recommended contained all the requirements of the law, in the language of the law, and that they did not feel authorized to recommend any additions to that form.

The discussion settled nothing, but only brought out more clearly that no test oath as to future conduct is of any value to prevent infractions of the law; that whether a law will or will not be violated is a matter depending on motives and conditions which no test oath can reach or

remove, and the probabilities in the case will be largely affected by the opinions of the person and community in which he lives as to whether the law is constitutional and morally just, and whether or not the prohibited act is morally and religiously right or wrong.

In all of the election districts the form recommended by the Commission was used by the registration officers, although the other form was distributed by the Loyal League, a non-Mormon organization. In one district the registrar attempted to use the form suggested by the Liberal committee, but he was removed and another appointed, who used the Commission's oath. In another district the registrar claimed the right to ask voters questions not contemplated by the law, and was promptly removed.

The form of oath suggested by members of the Liberal party was first used in the third district court, presided over by Chief Justice Zane, and is now used in the district courts of the Territory for the qualification of jurors.

The total registration in the Territory was 20,585. At the general election of the Territory held on August 1, 1887, there were 13,395 votes cast for People's party candidates, and 3,255 votes for Liberal party candidates, for the legislative assembly.

The People's party elected 10 councilors and 21 members. The Liberal party 2 councilors and 3 members. The Liberals, if they had registered and voted their full strength, could have elected at least 1 member more of the council and 2 members of the house. The total vote cast in the Territory for all officers was 16,901.

The returns were canvassed by a board consisting of five reputable persons appointed by the Commission. The total number of county, precinct, and municipal officers elected was 470.

THE MOVE FOR STATEHOOD.

The present year has been marked by proceedings to form a constitution on which to demand admission to the Union of States, the fourth attempt for that purpose in the history of the Territory.

Before the election, and on June 16, 1887, a call appeared signed by the chairman and the secretary of the People's party (Mormon), calling upon the people of Utah, irrespective of party, creed, or class, to assemble in mass conventions in their respective counties on June 25, 1887, at 12 m., for the purpose of appointing delegates to a convention to be held at Salt Lake City on the 30th day of June, 1887, to frame a constitution preparatory to an application to Congress for admission to statehood.

The non-Mormons were distrustful of the move, and unitedly declined to join the convention or to recognize it. They gave as reasons for declining that in view of the past history of Utah it was a proper case for Congress, in accordance with the general rule, to say when the time for such a move had arrived, and by an enabling act give it authority when, how, and by whom the convention should be called, and how conducted; that they did not understand this sudden and, to them, unannounced call; that the entire proceeding was carried out by the dominant party, and delegates chosen without regard to forms of election or disqualification of voters, without previous discussion, and from wholly unauthorized sources; and, above all, they did not think the attitude of the great majority of the people of Utah towards the laws and authority of the General Government had been such as to invite

the full confidence of Congress in their fidelity to the laws and Government, and to justify that body in granting sovereign statehood.

The convention met and, with surprising unanimity, adopted a proposed constitution, which declares bigamy and polygamy to be misdemeanors, and affixes punishment. It also provides that no further legislation shall be required to make or define these offenses; that the provision is not amendable without the consent of Congress, and proclaims the separation of church and State. The instrument is silent as to the offense of unlawful cohabitation.

The Mormons claim that having taken this action the people ought not to be longer denied a voice in the conduct of their own affairs, and in the selection of officials to carry on the government; that in a Territorial condition citizens are deprived of the rights and powers which are the strength and glory of American citizenship; that as a Territory they are excluded from participation in affairs that vitally concern them; that Utah has the population, the material interests, the intelligence, the stability, and the regard for republican principles and institutions which are necessary to the establishment of a free and sovereign State; that the movement for statehood was not sectarian, partisan, or confined to any sectional interest; but that the call was broad and comprehensive and included citizens of every creed and class; that the convention adopted a constitution in good faith, which is as liberal and fair and as patriotic as that of any State; that it was the work of monogamous citizens acting in their capacity as citizens; that, until it can be shown to be otherwise, their action should be accepted in good faith, and the constitution should be judged by its plain language and terms; that the question of whether under the constitution the provisions against polygamy will be enforced by the officials of the proposed State is a question that must be left to the future, and that time alone will show that every community proposing to come into the Union as a State must be given a fair opportunity to prove whether or not they will carry out the provisions of their charter; that they have never been accused of insincerity by any one who knows what they have endured rather than make promises they did not intend to keep; that the religion of the people should not be dragged into the consideration of measures which are purely political; that in answer to the assertion that, as a State, they will continue to build up their church, they claim the Mormon people have the constitutional right to use every means not inconsistent with the laws of the land to secure converts to their religious faith, unrestrained by any constitutional or legal provision; that Congress has not the right to interpose, as a condition precedent to the admission of the proposed State, that any church shall cease preaching its doctrines or endeavoring to make proselytes; that admitting there is no grant of power under which Congress may sanction an amendment to a State constitution, should Congress refuse to act, the Constitution can not be amended in respect of the offenses named; that the proposed constitution does not presume to say that the President or Congress shall exercise the powers granted them, but leaves the matter to their discretion; that a Territory, as a matter of right, is entitled to admission into the Union of States whenever it possesses the necessary population and has a constitution in harmony with republican institutions; that acting through the only class of citizens who enjoy the privilege of the elective franchise, the monogamous Mormons, they have met the wishes of the nation by a constitution which provides for the punishment of those offenses which have excited the hostility of the nation, and having done so, they now ask to be allowed to hereafter control the affairs of the

Territory, as the Constitution of the United States intended they should; that the opposition to the admission of Utah as a State comes from a class who have been the bitter and consistent enemies of the Mormon people, and who are inspired by the hope of bringing the people, while in a Territorial condition, within their power.

The above we believe to be a fair summary of the reasons which the Mormons urge in favor of statehood for Utah.

The action of the convention and the result of its labors did not tend to allay, but rather to increase, the apprehensions and opposition of the non Mormons. They make many objections to the admission of Utah as a State at present, and unanimously declined to vote upon the subject or in any way recognize the move. The following is a summary of some of their objections:

That the action taken is without authority from the proper source and not entitled to any recognition, and is accompanied by many and strong evidences of evasion and bad faith in professing an abandonment of polygamy and the accompanying social evils, with the intent to acquire statehood, and without any intent to restrain and punish such offenses, but merely to intrench them behind statehood; that the historical attitude of the great body of the people towards the laws on this subject had not changed down to the eve of calling the convention, and that until then the Mormons, their press and pulpits, had not ceased to declare the laws of Congress unconstitutional and their enforcement persecution; that though the press and pulpits suddenly became silent, with indications in a few places of a muzzled silence, there was still no sign or intimation of any change of sentiment in words or acts, and the hostility to the enforcement of existing laws and Federal authority was still as active and general as before; that scarcely any Mormon in good standing would even promise to obey the laws in the future to escape punishment after conviction in court; that they were unable to understand how the great body of the people could undergo an overnight conversion on the subject of these offenses, when the day before their consciences were so strong that nothing could induce them to promise bedience to the laws; that the *Deseret Evening News*, their leading and uncompromising organ had, after the framing of the proposed constitution, and before the election, printed an editorial leaving the question to the voters with the most judicial fairness, but ending with the advice to be "as wise as serpents and harmless as doves;" that in view of their past history the first evidence of a bona fide intent to obey and execute laws making these offenses punishable should be a cessation of hostility to present laws and the announcement of obedience to them; that notwithstanding the great unanimity in the convention and in the subsequent vote of the people, no member of the convention or voter has, in the constitution or elsewhere, declared he considered or believed either of the offenses named is or should be a misdemeanor or punishable, but the provision in the constitution is introduced by the remarkable whereas, for the reason that somebody, perhaps some wicked persons at Washington, deem those crimes incompatible with a republican form of government, they are made misdemeanors and punishable; that it is not easy to conceive why the incompatibility should be limited to a republican form of government, or why it should not extend to every form of civilized government, unless full force is given to the dogma taught by the dominant sect, that the only true and rightful government is a theocracy in which the powers of government are derived from God and delegated to ministers, who govern by divine right; that no constitutional provision can execute itself, but requires prosecutors,

jurors, and judges, all of whom, under statehood, would be Mormons, and if a whole people can be suddenly converted one way in one night, they might be susceptible to a reconversion equally sudden, and all the prosecuting powers become hostile to the law; that the rules of evidence and the laws of marriage under statehood are proper subjects of State legislation, and while a marriage without witnesses may be good, a rule of evidence that it requires one or more witnesses to the direct fact of marriage to commit polygamy would leave the constitutional provision worthless, and should the courts adopt the rule, still existing in some States, that on a charge of bigamy cohabitation and the repute of marriage are insufficient to prove the marriage, no new law or rule of evidence would be needed; that it is historical there are many polygamists in Utah, and as such marriages are conceded the number is unknown, and so far as the constitution is concerned all these could live openly with their numerous families as soon as the Federal law ceased, and point to their relations as the reward of those who had lived up to the privileges of their religion; that there is no grant of power in the constitution authorizing Congress to sanction or refuse an amendment to the constitution of a sovereign State; that the people of a State can not deprive themselves of the power to amend a constitution the creation of their will, nor can they legislate to bind those that come after them; that the Mormons have hitherto justified their opposition to the Federal laws under plea of conscience in respect to religious matters, but they have apparently made their consciences a marketable commodity and statehood the exchangeable value if they offer in good faith to suppress these offenses, unless their religious views have suddenly changed, of which there is no evidence or pretense; that the claim that this constitution emanates from and is the work of non-polygamous Mormons is no argument in its favor; that good citizenship does not involve only the question who in fact practices polygamy, but also who believes in it as a moral and religious right, superior to all human laws, and hence will be influenced in his conduct by such belief; that the non-polygamists have always been a large majority, but have in every way upheld the polygamists, have been equally active and bitter in their opposition to the laws, and without their aid and support the polygamists could not so long have defied the laws; that there has been no evidence of any struggle or contest between the polygamists and monogamists, but all have acted with the greatest possible harmony and vied with each other in attaining the wisdom of serpents and harmlessness of doves. That the church leaders, who control in such matters, have never manifested in any manner their intention to cease to enforce the practice of polygamy by their people, but that their silence indicates that the converse of the proposition is true; that the Mormon church has never abandoned its purpose of ultimately becoming a controlling political power, and adopts this method of promoting it; and further, that if the non-polygamists have reached this conclusion, that the law in respect to these offenses is superior, and that it is the first duty of citizens to obey the laws of Congress prescribing rules of conduct, it is an easy matter for them to announce it and give some evidence of their good faith.

In accordance with these views the non-Mormons abstained from voting on the subject at the polls, desiring not to recognize the movement in any manner whatever.

The monogamous Mormons cast 13,195 votes in favor of the constitution, 500 votes being cast against it.

The action of the Mormon people in adopting a constitution which forbids polygamy and bigamy, in view of their past history, is an anomaly which demands some explanation. In all its Territorial history, Utah, under the control of the dominant sect, which is in reality a political organization, with aims and methods which are political, has stood arrayed in opposition to laws of Congress on these subjects and still maintains united efforts to nullify them.

To arrive at a fair conclusion of the opinions and purposes of the Mormon people with respect to polygamy, it is proper that the views and expressions of their press and pulpits should be considered.

The *Deseret News*, in its issue of October 6, 1880, said :

But we claim the right under the Constitution of our country to receive just as many Divine communications as the Almighty chooses to bestow, and to follow these revelations without molestation or hindrance. At the same time it is our intention to abide by the laws of our country. When we refer to the laws of the land, we wish to be understood that we make one exception ; that is, the law framed and pushed through Congress for the express purpose of preventing us from obeying a revelation from God, which we have followed in faith and practiced for many years.

The claim thus made has been reiterated by the first presidency of the church from time to time. In their address of July 24, 1835, they said :

We cannot, however, at the behest of men, lay aside those great principles which God has communicated to us, nor violate those sacred and eternal covenants which we have entered into for time and eternity.

Nothing has transpired to lead us to believe that the views thus expressed by their church organ, and most prominent leaders, are not entertained by the Mormon people to-day.

The call for the assembling of mass-meetings to appoint delegates to meet in convention and frame a constitution was evidently the result of a very sudden inspiration, so much so that the *Deseret News* editorially said : "It would occasion some surprise." There had been no previous discussion in the press, nor among the people, in relation to such a movement, which was conceived and carried through with the utmost haste.

Within fourteen days after the call was promulgated delegates appointed to frame the constitution had met in convention.

The election of delegates to constitutional convention by means of mass-meetings does not commend itself to persons who have been accustomed to see the important duty of framing a constitution for a sovereign State approached with care and deliberation, in accord with the general will of the people, and under proper authority, with no other aim and purpose than to advance the interests of all and not of a particular class.

The provision in the constitution with reference to polygamy and bigamy is as follows :

Sec. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than \$1,000 and imprisonment for a term of not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense ; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

The crime of polygamy is to be a misdemeanor (in every other State it is a felony), and is punishable by a fine of not more than \$1,000 and by imprisonment for a term of not more than three years, whereas, un-

der the federal law the fine is fixed at a sum not exceeding \$500 and imprisonment for a term not exceeding five years.

Under the Federal law polygamists are denied the right to vote and to hold office, but under this proposed constitution persons who have committed, or who shall hereafter commit, the crime of polygamy, and all such as continue to live in that crime, will be invested with the full rights of citizenship. Under the Federal law unlawful cohabitation is punished by a fine not exceeding \$300 and by imprisonment for a term not exceeding six months; under the proposed State this offense, which perpetuates the evils of polygamy against society and posterity, is to go unpunished.

The legislature of the proposed State is shorn of its power to raise the grade of the crime to that of felony, or to annex any disqualification on conviction, while it is left free to promote polygamy by providing through inheritance and by means of the wills for the maintenance of polygamous households, and to deny the legal wife the right of dower, or other rights, as heretofore.

The provisions for amendments to the proposed constitution only by the consent of Congress, and for pardon of convicted polygamists only by approval of the President, are incongruous and futile and need not be considered. It is sufficient to say they are open to the criticism that if a community can not be trusted to amend a constitution it can hardly be said to be fit to be trusted with the powers of a State under any form of constitution. And if it can not be trusted to deal with those who have violated its laws, it should not have the control of the administration of the laws.

If Utah should be admitted into the Union as a State, the following results would follow, viz: There would be an immediate cessation of all further prosecutions for polygamy and unlawful cohabitation under laws of Congress. No prosecution for polygamy would ever take place in the State until the ruling power in the State chose to do what they now arraign the Government for—"Persecute" for a crime which is "an essential part of their religion." This claim has been set forth in a formal way, which has made it a solemn declaration of the whole Mormon population of Utah. At a general conference held at Logan April 6, 1885, a resolution was adopted and a committee appointed to draft a protest and address to the President and people of the United States. Such address was adopted at a mass-meeting held May 2, 1885, at which the Hon. John T. Caine, Delegate from the Territory, presided, and who was deputed as the agent to present the same. In that document is formally proclaimed:

As to religious faith, it is based upon evidence which to our minds is conclusive; convictions not to be destroyed by legislative enactments or judicial decisions; force may enslave the body, but it can not convince the mind. To yield at the demand of the legislator or judge the rights of conscience would prove us recreant to every duty we owe to God and man. Among the principles of our religion is that of immediate revelation from God; one of the doctrines so revealed is celestial or plural marriage, for which ostensibly we are stigmatized and hated. This is a vital part of our religion, the decision of courts to the contrary notwithstanding.

It is a circumstance worthy of mention that Mr. Caine, who bore so prominent a part in the adoption and promulgation of the address from which the above extract is made, was also the president of the convention which adopted the proposed State constitution.

Under the proposed constitution no disqualification would follow the commission of those crimes; the right of voting would be fully accorded to the ruling class now disfranchised. No prosecution would ever take place for continuing that crime by living in unlawful cohabitation and

multiplying its fruits to the degradation of posterity. The right of dower created by Congress would be swept away; the Utah policy has ever been to deny that right to the legal wife, and make her rights depend upon the testamentary disposition of her husband. The rights of the minority population would be left to the mercy of a majority who regard them as intruders and who have always used political power in a clannish spirit. In illustration of their spirit in such matters a statement of their course in the election of officers for the Deseret University and Territorial Insane Asylum will suffice. The university was incorporated when the Territory was first organized, and although some fifteen officers, chancellor and regents, are elected biennially to manage this educational institution, which receives support from the Territorial treasury, not one representative of the minority has ever been elected. For the insane asylum, built by an appropriation from the Territorial treasury, a certain number of directors are elected biennially, but the minority have never been accorded a representative, a privilege and a right which is recognized in every other Territory or State. Further, in Salt Lake City, where the minority have a majority in two of the five organized precincts, they are denied any representation in the city councils, by reason of an election law which requires all the city officers to be elected on a common ticket.

The Mormon people cannot be called hypocrites. They boldly proclaim their religious belief to all the world. Until that belief shall be changed, if they be true to their creed, polygamy with its kindred evils will be fostered by every means in their power. The leaders of the church will probably do in the future what they have done in the past. They do not recognize the authority of the Government to call upon them for any support in its contest with polygamy, but they do recognize the divine command to encourage polygamy. The attitude, purpose, and determination of the church in this respect has been fully developed. In the case of W. W. Taylor, son of John Taylor, who died a few years ago, it was acknowledged after his death that he was a polygamist and yet he held a responsible office under the city government of Salt Lake City up to the time of his death. Another case was that of Joseph H. Dean. He was elected and served as a member of the city council of Salt Lake. While in office it was learned that he was, and had been a polygamist for over three years. The leaders of the church had full knowledge of the fact that these men were disqualified from holding office under the Federal law, yet they acquiesced in their unlawful occupancy of public offices. We have learned of similar cases in the more remote counties. The non-polygamist Mormons were also aware that the men referred to were polygamists, and their course has been in harmony with that of their leaders, as it will probably always be. During the period in which the Government has been actively engaged in prosecuting offenders, they have unitedly refused to extend any aid, but have denounced the prosecutions as persecution.

For these reasons the Commission has been led to fear that the provision in the proposed constitution making polygamy a misdemeanor was not adopted, nor the action taken with any purpose to suppress polygamy; that it does not indicate an abandonment by the people of Utah in the manner which is demanded by the will of the American people, as expressed in their national law; that the late movement for statehood was the offspring of necessity, inspired with the hope of escaping from the toils which the firm attitude of the Government and the energetic course of the Federal officers had wound around them. Realizing that they could expect no aid nor comfort from the national

administration, and actuated by a determination not to recognize the supremacy of national laws where they forbid crimes licensed by their creed, it is not surprising that the majority in Utah should resort to some expedient to get relief from their dilemma. In the light of these facts it is evident that the relief sought for is expected in statehood, and that this expedient is, in the case of Utah, inspired by more than the usual motives operating in other communities, which are composed of homogeneous American population in accord with the laws and institutions of the country.

The presentation of the proposed application for statehood will demand the consideration of the question by Congress whether the course of the dominant majority in Utah, in the use of delegated powers in a Territorial condition, has been such as to induce Congress to withdraw certain of these powers until the perpetuated evils should be corrected (which has not been done).

If Utah, as a Territory, has refused to recognize the force and validity of national laws, and decisions of the supreme court, can it be reasonably expected as a State it will do so? Can it be reasonably expected that crimes and evils which the Government has failed to suppress with its supervision over a Territorial government will be suppressed in a State ruled by the majority which now maintains and propagates these crimes and evils as "an essential part of their religion?"

It is submitted if it would not be wise to continue a Territorial government in which the National Government could continue to deal directly with these evils until they should be eradicated, even if it should be necessary, as suggested in former reports (1884-'85), to take all political power from those who have not sufficient allegiance to recognize the validity of national laws and the decisions of courts, and that no harmony in the Union could be maintained with a State ruled by a creed which claims all governments but its own to be illegal, and claims a "separate political destiny and ultimate temporal dominion by divine right."

The Commission is of the opinion that Utah should not be admitted to the Union until such time as the Mormon people shall manifest by their future acts that they have abandoned polygamy in good faith, and not then until an amendment shall have been made to the Constitution of the United States prohibiting the practice of polygamy.

We append to this report resolutions adopted by the Presbyterian and Methodist Churches of Utah.

POLYGAMOUS MARRIAGES.

The names of sixty-seven men have been reported to the Commission who have entered into polygamy during the year ending June, 1887. This information has been requested of all registrars. The number given has been reported by non-Mormons, there being no instance in which has a name been reported by a Mormon registrar. The law imposes upon the Commission the duty of appointing proper persons to perform the important duty of registering voters, and it has been the uniform policy of the Commission in filling these offices to select men, whenever they could be found, who were in open and avowed sympathy with the law under which they were acting. The necessity for this is apparent. The registration officers are charged with the duty of excluding from the lists of voters at the annual registration in May and June, and the biennial registrations in September, the names of such

persons as have entered into polygamy. Under the Utah law the registry list continues from year to year, only a revision is made by the registrar; therefore, unless he is disposed to give full force and effect to the provision of the law which disfranchises polygamists, this vital principal of the law may be utterly disregarded.

LEGISLATIVE APPOINTMENT.

Under the act of March 3, 1887, the governor, Utah Commission, and the secretary of the Territory were appointed a board to reapportion the Territory for legislative representation. The board met and organized, and, after careful consideration, reapportioned the Territory into twenty-four representative and twelve council districts, and under which the present legislative assembly was elected.

RECOMMENDATIONS.

The Commission was first organized in the summer of 1882. Its first duty was to adjust the local laws to the act of Congress, and to provide the necessary rules and regulations for conducting the registration and the elections. Under its supervision a new registration was made in 1882 and again in 1887, under the Edmunds-Tucker act.

Annual revisions were also made in 1883, 1884, 1885, and 1886. No person living in the practice of polygamy was allowed to register or to vote, and we believe that in this respect the purpose of the law has been thoroughly and effectually accomplished. The total registration in 1882 was 33,266; in 1883, 37,062; in 1884, 41,858; in 1885, 43,646; in 1886, 45,375. The registration of 1887, under the operation of the test oath, was 20,790. The elimination of the female vote will largely account for the difference, and there was a considerable percentage of voters who refused to take the oath prescribed by the act. Of these the larger proportion were probably non-Mormons.

The Commission in its previous reports, made since 1882, has made the following recommendations, which, in its opinion, were needed to give force and effect to the provisions of the law under which it was created:

1. The enactment of a marriage law.
2. Making the first, or legal, wife a competent witness in prosecutions for polygamy.
3. Restoring to the first or legal wife the right of dower as at common law, or other interest in the real estate, as provided in the statutes of many of the States.
4. That provision be made for a fund, to be furnished by the Department of Justice to the proper legal authorities in the Territory.
5. The conferring upon the United States commissioners concurrent jurisdiction with the justices of the peace in civil and criminal matters.
6. The appointment of the Territorial auditor, treasurer, commissioners to locate university lands, of the probate judges, county clerks, county selectmen, county assessors and collectors, and county superintendents of district schools, by the governor of the Territory, subject to confirmation by the Commission.
7. Authorizing the selection of jurors by open venire, especially in cases prosecuted by the United States.
8. Giving to the district courts jurisdiction of all cases of polygamy wherever in the Territory the crime may have been committed.

9. That the Territorial courts in United States cases be invested with a power coextensive with that possessed by the United States circuit and district courts in the States, in the matter of contempt and the punishment thereof.

10. That prosecutions for polygamy be exempted from the operation of the general limitation laws.

11. Authorizing the process of subpœna in all cases prosecuted by the United States, to run from the Territorial courts into any other district of the United States.

12. That provision be made for binding over witnesses on the part of the Government in all United States cases to appear and testify at the trial.

13. That when a continuance is granted upon motion of the defendant, provision should be made for taking deposition of witnesses on the part of the Government, the defendant to be confronted with the witness and to cross-examine. The deposition to be used in case of death, absence from the Territory, or of the concealment of witness so as to elude process of subpœna.

14. That it be made a penal offense for any woman to enter into the marriage relation with a man knowing him to have a wife living and undivorced. This should be coupled with a provision that in cases where the polygamous wife is called as a witness in any prosecution for polygamy against her husband, her testimony could not be used in any future prosecution against her, with a like provision as to the husband.

15. That the term of imprisonment for unlawful cohabitation fixed by section 2 of the act of 1882 be extended to at least two years for the first and three years for the second offense.

16. That all persons be excluded by law from making a location or settlement upon any part of the lands of the United States who shall refuse on demand to take and subscribe an oath, before the proper officer of the land office in which his or her application is made, that he (if a man) does not cohabit with more than one woman in the marriage relation, and that he will obey and support the laws of the United States in relation to bigamy and polygamy, or (if a woman) that she does not cohabit with a man having more than one living and undivorced wife, and that she will obey and support the laws of the United States in relation to bigamy and polygamy.

17. That the laws with reference to the immigration of Chinese and the importation of contract laborers, paupers, and criminals be so amended as to prevent the immigration of persons claiming that their religion teaches and justifies the crime of polygamy, as this would cut off the chief source of supply to the Mormon church.

18. A suggestion in favor of a constitutional amendment prohibiting polygamy.

Of these recommendations the 1, 2, 3, 5, and 12 have received the approval of Congress and are now part of the statute law.

We again respectfully recommend to the attention of Congress all of the above recommendations which have not yet received its approval.

The Commission recommends as a measure of great importance the passage of a law conferring upon the governor of the Territory the authority to appoint the following county officers: Selectmen, clerks, assessors, recorders, and superintendents of district schools. This will place the control of county affairs, including the assessment of property (but not the collection of revenue) and the supervision of the public schools, in the hands of persons in sympathy with the efforts of the Government to extirpate polygamy. It will also strengthen the ele-

ment in the different counties which is disposed to assist the Federal officers in their efforts to enforce and execute the laws. We also recommend the passage of an act creating a board, to consist of the governor, Utah Commission, and Territorial secretary, to apportion Salt Lake City into aldermanic and council districts. Under the present law these officers are elected on a common ticket, thus denying the principle of precinct or ward representation which obtains in other towns and cities.

The non-Mormon citizens of the Territory, acting through their political organizations, Democratic, Republican, and Liberal, have repeatedly given expression to the opinion that the solution of the Mormon problem will be speedily and effectually accomplished by creating a legislative commission, to be appointed by the President and to be confirmed by the Senate. In support of their position they urge the following reasons: That a republican form of government has no existence in Utah, the church being supreme over all; that until the political power of the Mormon church is destroyed, the majority will not yield a full obedience to the laws, and only by providing a new code of laws can they be compelled to do so; that common prudence suggests there should be no delay in taking from the Mormon church the power to control in political matters; that this object can best be accomplished by providing an agency which is in accord with the purposes and will of the National Government; that the legislative assembly of the Territory has always been the creature of the church, and during its thirty-six years of existence has made a record which is impressive by its silence with respect to the passage of such laws as the Government had the right to expect; that such an agency would relieve Congress from the consideration of the affairs of Utah; that Congress having the right to legislate directly for the Territories, which right has been affirmed by the Supreme Court, ought to, in consideration of the extraordinary condition of affairs in the Territory, follow the precedents established in the case of Louisiana and of Florida, and grant a commission; that such action will result in bringing Utah into harmony with the other States and Territories of the Union.

In conclusion we respectfully submit that in our opinion the results which have followed from the passage of the Edmunds act have been very beneficial to the Territory. It has provided a fair, honest, and orderly system of elections, and it is universally conceded by Mormon and non-Mormon that there has been no charge nor even rumor of fraud in connection with the registration of voters and the conduct of elections since the Commission first commenced its work.

Very respectfully,

G. L. GODFREY.
A. B. WILLIAMS.
ARTHUR L. THOMAS.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

SAINT LOUIS, Mo., *September 30, 1887.*

Commissioners Carlton and McClernand, dissenting to many of the views set forth above, do not sign this report.

APPENDIX.

Resolutions adopted at the general Conference of the Methodist Church of Utah, held at Mount Pleasant, Utah, August 8, 1887.

STATE OF AFFAIRS IN UTAH.

Each year develops new features in this field, which call for intense watchfulness on the part of all who are loyal to the nation and its laws, and to the advancement of our Christian civilization in this Territory, and which demand the outspoken sentiments and efforts of all Christian organizations in meeting the spirit of antichrist reigning here.

We therefore take as the keynote of our work the words of the psalmist, "They that love the Lord hate evil."

We declare in favor of a rigorous enforcement of the laws, and the prosecution of all offenders as necessary to the eradication of the evils dominant here.

We enter our unqualified protest against the efforts now being made by the Mormons to secure statehood for Utah, believing the proposed constitution to be a well devised instrument to blind the people of this nation to the real object in view, viz: The perpetuation of the evil itself.

This constitution was framed by a convention of delegates appointed by mass meetings composed exclusively of Mormons. All the delegates were Mormons, and their action was entirely without the sanction or co operation of the non-Mormon part of our population, and therefore was not in harmony with our republican ideals of representative action.

It being true that the Mormon community still hold to the divinity of polygamy, and also still claim that all laws enacted by Congress for its suppression are unconstitutional; we, therefore, insist that the action to secure statehood is inconsistent, and should be met by a strong and united opposition of the people of the United States through their representatives in the national Congress. We urge upon our churches in the east to raise their voices against this new feature of Mormon duplicity.

Appeal to Presbyterian Church, from the Presbytery of Utah, in session at Manti, August 28, 1887.

Affairs have reached a crisis in Utah. After years of defiance and determined evasion of the laws, a very plausible policy has been adopted by the Mormon leaders. A constitutional convention has been called, a constitution has been framed and submitted to the Mormon people and adopted by them. In this constitution is a clause making polygamy a crime, to be punished by fine and imprisonment.

This is the pretext by which they hope to deceive Congress, and to gain admission as a State. Professing to give up this objectionable feature of their religion, viz: polygamy, they now ask for statehood.

We call attention to the following facts, which will fully indicate the purpose of such action:

(1) The so-called revelation on polygamy stands yet unrepealed by any authority from the church; it is therefore as binding as ever upon the whole Mormon people.

(2) Up to the very meeting of this constitutional convention, men brought before the courts refused to obey the laws against polygamy, and are yet being arrested for the same crime, and yet refusing to obey.

(3) Up to the present day any Mormon who promises to obey the laws against polygamy is considered a traitor to his religion, and is treated as such.

(4) This movement for statehood is altogether a Mormon movement. The Gentiles have taken no part in it, and are now a unit against it.

(5) The Mormon people are as firm believers in polygamy to-day as they ever have been, and they have no disposition to give it up; but, through a strange policy recently adopted, they have made the sacred tenet of their religion a crime, whilst yet believing in its divine origin.

In view of these facts we, in common with other loyal citizens of Utah, do most earnestly protest against this whole movement, for the following reasons:

(1) Because there is no sincerity in it. It is a fact well known to us who are here, and admitted to be such by many Mormons, that the real intention is not to abolish polygamy, but to obtain statehood, get entire control of affairs in Utah, and thus defeat the execution of the laws; for with Mormon judges, officers, and jurors no law against polygamy would be enforced. Hence, this constitutional clause against polygamy is only a blind.

(2) Because it would leave the power of the priesthood untouched. The twenty-five thousand men to whom absolute obedience is pledged on the part of the people would only be entrenched in their present stronghold.

(3) Because it would be a death-blow aimed at our American homes; it would check our Christian work, and give up forever this entire Territory to Mormon rule and policy.

(4) Because the whole scheme means treason against the Government and its laws. We therefore call upon ministers and members of the Presbyterian church, North and South, to raise their voices in protest against this religio-political chicanery.

MINORITY REPORT.

SAINT LOUIS, MO., *September 29, 1887.*

SIR: Concurring in part in the majority report of our associates, but dissenting from it in other part, particularly as regards its general animus and tone and the propriety of introducing a theological discussion into a secular document, we deem it advisable, in order to a clear and distinct expression of our views, to submit this, our separate report.

Omitting the details of the Commission's mode of procedure, which have been heretofore set forth, we proceed at once to such matters as are more interesting to the Government and the public.

At the election held on the 3d of November last for Delegate to the Fiftieth Congress, John T. Caine (Mormon) was elected by the following vote: Caine, 19,605; William M. Ferry, 2,810; William H. Dixon, 34; scattering, 34; total, 22,483. At this election the women voted under the Territorial law, which has since been repealed by Congress (March 3, 1887).

Early in February of the present year the Commission reassembled in Salt Lake City and prepared for certain municipal elections to be held in the spring.

The supplemental act of March 3, 1887, materially changed the law as to the qualifications of voters and office-holders; and the Commission in pursuance of our former usage in like cases issued a "circular for the information of registration officers," which was transmitted to them throughout the Territory, the qualifications of voters being thus set forth:

(1) No polygamist, bigamist, or any person cohabiting with more than one woman, shall be entitled to register or vote at any election in this Territory; nor any person who has been convicted of the crime of incest, unlawful cohabitation, adultery, fornication, bigamy, or polygamy; nor any person who associates or cohabits polygamously with persons of the other sex; nor can any person register or vote who has not taken and subscribed the oath prescribed by the twenty-fourth section of the act of Congress of March 3, 1887; nor can any woman register or vote.

The Commission is of the opinion that the above specifications include all the disabilities to which electors are subject under the laws of Congress, and that no opinions which they may entertain upon questions of religious or church polity should be the subject of inquiry or exclusion of any elector.

The oath proposed as a condition for the registration of voters, following the language of the act of Congress as closely as possible, was formulated as follows:

TERRITORY OF UTAH,
County of ——— :

I, ———, being duly sworn [or affirmed], depose and say that I am over twenty-one years of age; that I have resided in the Territory of Utah for six months last passed, and in this precinct for one month immediately preceding the date hereof; and that I am a native-born [or naturalized, as the case may be] citizen of the United States; that my full name is ———; that I am ——— years of age; that my place of business

is ———; that I am a [single or] married man; that the name of my lawful wife is ———; and that I will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "*An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes,*" and that I will also obey the act of Congress of March 3, 1887, entitled: "*An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes,' approved March 22nd, 1882,*" in respect of the crimes in said act defined and forbidden, and that I will not, directly or indirectly, aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress, as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication.

Although the person applying to have his name registered as a voter may have made the foregoing oath, yet if the registrar shall, for reasonable or probable cause, believe that the applicant is then, in fact, a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabiting polygamously with persons of the other sex, or has been convicted of bigamy, polygamy, unlawful cohabitation, incest, adultery, or fornication, in our opinion, the registrar may require the applicant to make the following additional affidavit:

TERRITORY OF UTAH,
County of ———:

I ———, further swear [or affirm] that I am not a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabitating polygamously with persons of the other sex; and that I have not been convicted of the crime of bigamy, polygamy, unlawful cohabitation, incest, adultery, or fornication.

Soon after the passage of the act of March 3 it was a common belief among the Gentiles that the Mormons, generally, would not take the oath; but it soon became apparent that there was a general disposition among them to take it. Thereupon the Commission was waited on by a committee representing the "Liberals" or "Gentiles," requesting a modification of the oath by interpolating certain expletives and amplifications. The Commission unanimously declined to accede to this request, for the reasons assigned in a written communication. (See Appendix, I.)

Quite a number of the Mormons, as well as the non-Mormons, declined to take the oath; the latter, as we were officially informed, objecting to the clause concerning adultery and fornication.

The general result of the election of August 1 may be stated as follows: Of the 36 members of the legislative assembly, the Mormons elected 31 and the Gentiles 5. Of the Territorial, county, and precinct officers, a large majority of those elected are Mormons, none of whom, however, are living in polygamy.

In former official reports the Commission several times expressed the opinion that the laws of Congress, in connection with other influences, were "setting strongly in the direction of reform" in Utah; and that at no distant day "this relic of Asiatic barbarism (polygamy) would be swept from the land." We have predicted from the beginning that the legal discrimination in favor of the monogamous Mormons against the polygamists would sooner or later be attended with good results. Early in the present year we thought we discerned a disposition among the Mormons to give up the practice of polygamy; and we wish to add that we have used our official and personal influence to induce the Mormons to take such a step.

Early in June of the present year we were gratified to learn that a general movement for the abrogation of polygamy was taking an organized form. The central committee of the "People's (Mormon) party" published a call in the newspapers for mass meetings of the legal voters to be held in all the counties of the Territory, to select delegates to a convention to be held in Salt Lake City, June 30, 1887, for the purpose of adopting a State constitution, and inviting all parties in the

Territory to participate in those meetings. The other political parties in the Territory declined to participate in the movement.

The convention, with delegates from all or nearly all the counties in the Territory, met at the time and place designated and remained in session over a week. During their session the Commission received a communication from them requesting us to take charge of the election for the adoption or rejection of the proposed constitution by the legal voters, at the general election to be held August 1.

The Commission responded by disclaiming any express legal authority to take any official action in the premises, "but considering the fact as represented, that said proposed constitution would contain a prohibition of the institution and practice of polygamy, as well as a prohibition of the union of church and state—the suppression of polygamy being contemplated by the acts of Congress under which the Commission is acting," we expressed a willingness "to recommend to the judges of election that they might receive all the ballots which should be cast by the qualified voters on said proposition, and deposit the same in separate boxes to be provided by the convention; and to canvass and make return of the same to such authority as the convention should provide."

This recommendation was printed in the form of a resolution and sent by the Commission to the judges of election throughout the Territory, prefaced with the following preamble:

Whereas the prohibition of polygamy is the paramount object of the special legislation of Congress as applicable to Utah, we are of the opinion that when the great body of the legal voters of the Territory manifest a disposition to place themselves on record against polygamy, in howsoever an informal manner, they ought to be encouraged therein, the object of the Government being not to destroy but to reform the Mormon people.

The convention concluded not to furnish the separate ballot-boxes, but to rely on the judges of election, or some of them, to count the votes and make return of the election on the adoption or rejection of the proposed constitution. This was done in nearly all the voting precincts, and the result was:

	Votes...
For the constitution	13, 195
Against the constitution	504

But few of the Gentiles voted on this proposition, and of the 504 negative votes probably about one-half were cast by Mormons. The total vote for members of the legislative assembly was about 16,500, of which the Gentiles cast about 3,500; so it appears that about 95 per cent. of the Mormon voters cast their ballots for the constitution.

In this connection we wish to state that, in such action as the Commission has taken in regard to the vote on this question, we expressly disclaim any purpose of interfering in the question of statehood for Utah. But certainly, whether that Territory shall be admitted early, late, or never, a strong advanced position is gained when the great mass of the people are induced, either in a regular or informal and unusual manner, to place themselves on record in opposition to polygamy.

The provisions of the proposed constitution of the "State of Utah" upon the question under consideration are the following:

SECTION 3 (of Article I). There shall be no union of church and state, nor shall any church dominate the state.

SEC. 12 (of Art. XV). Bigamy and polygamy being considered incompatible with a "republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than one thousand dollars and imprisonment for a term of not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

ART. XVI.—*Amendments.*

SECTION 1. Any amendment or amendments to this constitution, if agreed to by a majority of all the members elected to each of the two houses of the legislature, shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be elected, and shall be published for three months next preceding the time of such election, and if, in the legislature next elected as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the constitution: *Provided*, That section 12 of Article XV shall not be amended, revised, or in any way changed, until any amendment, revision, or change as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual.

Many of the Gentiles in Utah claim that this anti-polygamy movement among the Mormons is "all a sham." But we do not think so. After careful and impartial investigation and consideration, our conclusion is that, whatever may be their motives, and whether they are influenced by choice or necessity, the generality of the monogamous Mormons (who are more than three-fourths of the Mormon population) have deliberately and wisely resolved that their highest earthly interests, the prosperity and happiness of themselves and their posterity, and the avoidance of the odium which attaches to them throughout the civilized world, demand that polygamy shall be abolished.

The Mormons have been led to believe that if the practice of polygamy shall actually and in good faith be abolished, Congress will no further pursue them with hostile legislation, and that their religious faith will not be the subject of legal animadversion or discrimination. If the premises are granted (namely, the bona fide abrogation of polygamy), their conclusion is impregnable upon well settled principles and precedents.

The Supreme Court of the United States has declared that—

Laws are made for the government of *actions*, and while they cannot interfere with mere *religious belief*, they may with *practices*. * * * Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States so far as Congressional interference is concerned. (8 Otto, 145.)

Madison says, sententiously: "Religion, or the duty which we owe the Creator, is not within the province of civil government."

Jefferson says:

Believing that religion is a matter which lies solely between man and his God, and that he owes account to none other for his faith or his worship, that the legislative powers of the Government reach *actions* only and not *opinions*, I contemplate with solemn reverence that act of the whole American people which declares that their legislature should make no law respecting an establishment of religion or prohibiting the free exercise thereof. (8 Jefferson's Works, 113.)

Upon the passage of the act of March 3, 1887, similar views were expressed by distinguished Senators from Vermont and Kansas.

Acting upon these fundamental canons, and in accordance with the acts of Congress, the Commission has from time to time, in official reports and otherwise, assured the Mormon people that the Government of the United States had no design to coerce them concerning their church membership or their religious opinions, and that all that was required, and all that could rightfully be required, was that they should come within the laws and abandon the practice of polygamy. For example, in the Commission's first annual report, of November 17, 1882, it said: "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.*"

In its report of October 30, 1883, it said that "by abstaining from the polygamic relation they [the Mormons] will enjoy all the political rights of American citizens."

In its last annual report (September 24, 1886) the following language was employed: "We recognize the obligation of the Government of the United States to protect the personal and property rights of the Mormon people and to deal with them as equals before the law, yet it is equally the duty of the Government to punish crime."

In its "circular for the information of registration officers," issued in March, 1887, after enumerating all the disqualifications of voters under the law, it added: "That no *opinions* which they (the Mormons) may entertain upon questions of religion or church polity should be the subject of inquiry or exclusion from the polls," and the Edmunds act of 1882 declares that no person shall be excluded from the polls on account of any opinion he may entertain on the subject of polygamy or bigamy if he is otherwise eligible to vote.

Having received information that some of the registration officers were disregarding the principle thus settled and repeatedly announced, they were promptly removed from office by the unanimous vote of all the members of the Commission.

After such assurances have been held out to the Mormon people by the Supreme Court of the United States, by those eminent statesmen who championed the anti-polygamy legislation in Congress, and by the Commission, representing no party or faction, but the Government of the United States; now, while the great mass of the Mormon people are making an effort for the abandonment of the practice of polygamy, we are asked to recommend further legislation of a hostile and aggressive character, almost, if not entirely, destructive of local self-government, thereby inflicting punishment on the innocent as well as the guilty. Our answer is, we cannot do so; we decline to advise Congress to inflict punishment by disfranchising any portion of the people of Utah on account of their religious or irreligious opinions.

In Utah there are persons of multifarious religious creeds, some with no religious belief at all. Some prominent and enterprising citizens believe in the revelations of the *Old Testament* and reject those recorded in the *New*, while a large majority of the people of the Territory profess a belief in the *Old Testament*, the *New Testament*, and divers modern "revelations" besides. Those who accept the revelations of the Bible are divided into many separate church organizations by reason of diverse interpretations. Then, in the close of the most enlightened century in the tide of time, shall we invoke legal coercion over the consciences of men and resort to the pains and penalties inflicted in former times for recusancy, non-conformity, and heresy?

In this age the world moves, and even religious fanatics must keep pace with progress. The Utah of to-day is not, and never can be again,

what it was when Brigham Young, as prophet, seer, and revelator, dominated over his devoted followers, isolated from all the world, in the secluded valleys of the Rocky mountains; nor, in our opinion, can that fading and dissolving specter of the past be justly or properly invoked as an excitative to legislation proscriptive of religious opinion. The railroad and the telegraph, free speech and a free press, are there now. Schools and colleges and churches of many denominations are found in all parts of the Territory. The people are no longer isolated, but are now in communication with all the world; and Salt Lake City is one of the most cosmopolitan places on the continent, a resort for tourists, savants, statesmen, and scholars from abroad. Under such circumstances is it not morally impossible that Utah shall ever again become subject to that church domination and oppression which are now imputed by some persons as an existing reality against the "Mormon hierarchy"?

Churches and creeds are subject to the laws of evolution, and Mormonism must yield to the inexorable logic of civilization. Polygamy must go, and its abrogation will, sooner or later, be an accomplished fact. Other objectionable features are gradually giving way; and we are thoroughly satisfied that whatever the Federal authorities can rightfully accomplish in the way of reform can be done without resorting to the total overthrow of local self-government.

Polygamous marriages in Utah are becoming less frequent, as will hereinafter be shown. No polygamist votes, holds office, or sits on a jury. The mass of the Mormons have taken the test oath and voted against polygamy. The conclusion is that the present laws of Congress are working successfully; that there is no necessity of resorting to un-American plans of government; and that if, as we apprehend, the object of the Government is to reform and not to destroy the Mormon people, they should be encouraged and not spurned in their efforts for the abrogation of polygamy and for reform.

During the last two years and a half there has been no relaxation in the enforcement of the laws for the suppression of polygamy. During that period there have been about three hundred convictions to the penitentiary for offenses against those laws, which, notwithstanding the signs of reform, should continue to be enforced against all persons violating them; no step backward should be tolerated; at the same time the innocent should be scrupulously protected.

In a larger view polygamy is adjudged by the most enlightened nations to be a manifold evil. It is the parent of caprice, cruelty, and license. It enervates the male and degrades the female. Socially, politically, and physically it is corrupting and deteriorating. Despotism in the family, it is the prototype of despotism in the government. It largely accounts for the differing characteristic of the Asiatic and European; for the indolence and feebleness of the one, and the energy and enterprise of the other. Inferiority is its badge. In the armed contests of rival civilizations, alike in ancient Greece and modern India, it succumbed to the superiority of monogamy. It is at variance with the divine economy in that originally God created but one man and one woman, Adam and Eve, each as the only partner in wedlock of the other. Logically, and as a consequence, it is irreconcilable to the idea of the marriage covenant as practiced and revered by the masterful Teuton, Celt, and Anglo-Saxon. That covenant runs in these comprehensive and searching words:

Wilt thou have this woman to be thy wedded wife, to live together after God's ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honor her, and keep her in sickness and in health; and forsaking all other, keep thee unto her so long as ye both shall live?

Recognizing polygamy to be an evil and a bane, Congress has, from time to time, enacted laws to eradicate it from Utah. One of them, known as the "Edmunds law," approved March 22, 1882, re-enacted and extended the provisions of those of earlier date. It declares polygamy a crime, defines the same, and punishes its commission by a fine not exceeding \$500, and imprisonment not exceeding five years; declares cohabitation by the man with more than one woman a misdemeanor, punishable by fine of not more than \$300, or by imprisonment for not more than six months, or by both, in the discretion of the court, and allows a joinder of counts for polygamy and unlawful cohabitation in the same information or indictment;

Disqualifies any person from serving as a juror in any prosecution for polygamy or unlawful cohabitation who is, or has been, living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or who believes it right for a man to have more than one living and undivorced wife at the same time, or who believes it right to live in the practice of cohabitation with more than one woman, upon his being challenged for any such cause;

Authorizes the President to grant absolute or limited or conditional amnesty to offenders against any such previously enacted laws;

Legitimizes the issue of polygamous marriages, solemnized according to the ceremonies of the Mormon sect, who were born before the 1st day of January, 1883;

Disqualifies any polygamist, or other person cohabiting with more than one woman, from voting at any election, or for election or appointment to any office or place of trust, honor or emolument.

The last law on this subject, known as the "Edmunds-Tucker act," which took effect on the 3d day of March, 1887, is supplemental to the act of 1882, and is more comprehensive in its scope. It makes the lawful husband or wife (if consenting to testify) a competent witness in any examination, inquest, or prosecution touching the other, under a statute of the United States forbidding any of the above-named offenses, except as to communications between each other deemed confidential at common law;

Waives the original process of subpoena and authorizes an attachment for witnesses in any such criminal proceeding, upon cause shown by oath or affirmation;

Prescribes the rule determining the degrees of consanguinity, denounces incest, adultery, and fornication, and prescribes the punishment therefor;

Vests the commissioners who are or may be appointed by the supreme or district courts in the Territory with the same powers and jurisdiction of justices of the peace in the Territory under the laws thereof; it also confers on such commissioners the same powers conferred by law on commissioners appointed by circuit courts of the United States;

Requires every ceremony of marriage performed in the Territory to be signed by the parties thereto, and by every officer, priest, or other person taking part therein; and that the same when thus authenticated shall be filed in the office of the probate court of the proper county for record, and that the record thereof shall remain subject to inspection, and enforces the requirement by inflicting fine or imprisonment, or both, upon any willful violation thereof;

Incapacitates every illegitimate child in the Territory to take or receive by inheritance the estate or any part of the estate of his or her father, save such of them as shall have been born within twelve months after the passage of the act, or are legitimated by the act of 1882;

Dissolves the corporations known respectively as the "Perpetual Emigration Fund Company" and "the Church of Jesus Christ of Latter-Day Saints," makes their renewal unlawful, and forfeits and escheats their property to the United States, subject to certain limitations and exceptions;

Regulates the right of dower; makes the judges of the probate courts appointable by the President, by and with the advice and consent of the Senate; abolishes female suffrage; requires the governor and secretary of the Territory, together with the Utah Commission, to redistrict the same, and to apportion the representation in the legislative assembly according to the numbers of the people in the Territory (exclusive of untaxed Indians and other non-citizens), and the number of the members of the present legislative assembly, respectively;

Continues the powers and duties of the Utah Commission until the same shall be superseded by the legislative assembly of Utah and the subsequent approval of Congress;

Limits the right of suffrage to male persons, who, as a precedent condition to the exercise thereof, shall have registered their names as voters, and subscribed an oath or affirmation that he is over twenty-one years of age, has resided in the Territory six months, and in the precinct of his residence one month; including in such oath or affirmation a statement, according to the fact, that he is a native-born or naturalized citizen of the United States; and of his age, with his place of business, his status, whether single or married, and, if married, the name of his lawful wife; that he will support the Constitution of the United States and faithfully obey the laws thereof, especially the act of 1882, and this act in respect of the crimes in the same defined and forbidden, and will not directly or indirectly aid or abet, counsel or advise any other person to commit any of said crimes;

More. It renders every person ineligible to serve as an officer or a juror in the Territory who has not taken the oath therein set forth, similar in form, and absolutely disqualifies every person for such service, as also to vote in any election therein, who has been convicted of any crime in either of the acts mentioned, or who shall be a polygamist or in association or cohabitation polygamously with a person of the other sex;

Moreover, the act suspends the laws of the Territory providing for the method of electing and appointing the Territorial superintendent of district schools; abolishes that office, and devolves its powers and duties upon another officer, to be appointed by the supreme court of the Territory; restricts the quantity and mode of the tenure of the land which may be held by religious bodies, and annuls all local laws on that subject; provides that the militia of Utah shall be organized and subject in all respects to the laws of the United States regulating the militia in the Territories, and that the general officers of the militia shall be appointed by the governor of the Territory by and with the advice and consent of the council thereof.

The vigorous enforcement of these laws has resulted in a sense of quietude and insecurity in the mass of the Mormon population, and, as we have before said, the indications of an important change are apparent. The truth of this statement is corroborated by the answers of the chief justice of the Territory and others, set forth in the appendix, numbered II, III, and IV, respectively, which are cited for what they express apart from any inference respecting further legislation.

It is admitted, however, that these answers designate no definite or approximate period when polygamy in Utah may be expected to cease; indeed it is deemed impracticable to do so. For ourselves we may re-

peat, that the practice of polygamy appears to be declining and in the course of ultimate abandonment, and that our observation leads us to believe that the present intention of the ascendent numbers of the monogamous Mormons is to compass and hasten that end.

The questions remaining relate to the admission of Utah as a State, and the consequent surrender of the power of Congress over the subject of polygamy under the existing Constitution of the United States. With respect to the first question, we have only to say that it appeals solely and properly to the sound discretion of Congress, where we are content to leave it without further remark.

As to the second question, it evidently now engages earnest public attention and divides opinion. Considering these facts, and the importance of continuing the power of Congress over the subject of polygamy and of relieving the power from any question, we venture respectfully to recommend the adoption of an amendment to the Constitution of the United States, prohibiting the institution or practice of polygamy in any form in the States and in the Territories or other places over which the United States have exclusive jurisdiction, supplemented with appropriate power of legislation to carry it into full effect. This recommendation is in accordance with propositions which have already been submitted, respectively, in the Senate and House of Representatives, of which that in the House was supported by an able and elaborate report from its Judiciary Committee.

Such an amendment would put an end to special and provisional legislation upon a disturbing question, which legislation, under the present Constitution, must cease to operate with the cessation of the territorial status. It would raise an implied and incidental power, primarily drawn from the power of Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," to the dignity of an express power embedded in that instrument itself.

Other considerations favor it. It would insure us a solemn and deliberate verdict of the American people against the practice of polygamy, either as a social institution or religious rite. It would serve as a rampart for the protection of monogamy, the bed-rock of American and European civilization, against the inroads of an Asiatic vice. It would be an authoritative notice to immigrants from all lands that the United States are dedicated to the virtues of monogamy, and, passing as a lesson into the common schools of the country, would form the minds of rising generations in harmony with its ideas and object.

Yours, respectfully,

A. B. CARLTON.
JOHN A. McCLENNAND.

Hon. L. Q. C. LAMAR,
Secretary of the Interior, Washington, D. C.

A P P E N D I X.

I.

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, May 2, 1887.

The following letter is published for the information of the registration officers:

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, April 28, 1887.

Hon. C. W. BENNETT:

DEAR SIR: In response to a request by a committee of gentlemen that called on this Commission several days ago in reference to a change of the form of the registration oath which has been furnished to the registration officers throughout the Territory, we would respectfully say that we are not convinced of the propriety or necessity of making such a change, for a number of reasons; among others:

(1) Because we are satisfied that the oath furnished by us is in accordance with the law.

(2) The modifications proposed by you, if equivalent to the language employed by the act of Congress, are unnecessary; and if not in accordance with the act, they are illegal. The law is one declaring the political disfranchisement of the citizen under certain conditions. We hardly need add that such laws, as a rule, are viewed critically and construed strictly by the courts in favor of political manhood.

(3) The request comes at such a late day (the registration beginning May 2), and so long after the printed forms of affidavits to the number of 35,000 have been distributed over the Territory, that the proposed change would occasion much delay and great unnecessary expense.

(4) Plainly, it is not the intent of the law to prescribe any religious creed to the citizen, but to prescribe a rule of action, irrespective of his present or future secret intentions or convictions, or the change of any of them. The oath we have formulated in the terms of the law is but auxiliary to the enforcement of the actual observance of the law and the rule of action prescribed by it; hence, as a conclusion, it is equally plain to us, that whosoever takes the oath and transcends the rule it prescribes by perpetuating a prohibited and punishable crime, thereby incurs not only the stain of moral perjury, but liability to legal punishment for the commission of any such prohibited crime; and this consequence would as logically and necessarily follow the infraction of the form of oath which we have furnished as the interpolated form which has been proposed.

(5) The fact that Congress has prescribed the oath is, in itself, an assumption by that body that the oath will not be vain, but be practically binding upon conscience and useful. Otherwise, why the legal requirement of the oath? Nor is this construction inconsistent with either the municipal or moral law, which respectively presume the honesty and innocence of the individual until that presumption is overcome by competent proof.

(6) Since the interview with the committee at our rooms, we were advised that a written communication was to be presented by the committee, and afterward we received information that it would not be presented. We therefore make this reply, desiring to be entirely courteous to the committee, apprehending that further delay might be misconstrued.

By order of the Commission.

W. C. HALL, *Secretary.*

II.

From Hon. Charles S. Zane.

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, August 10, 1887.

Hon. CHARLES S. ZANE,
(U. S.) Judge 3d District U. T. :

DEAR SIR: In view of your great experience and eminent service as a judge in this Territory, I beg to ask of you brief answers as matter of useful information to the following questions:

(1) Whether, in your opinion, the existing laws, diligently and strictly enforced, may be reasonably relied on to work the cessation of polygamy as a practice?

(2) Whether any case originating in the commission of the crime of polygamy since the date of the Edmunds-Tucker act has come under your judicial notice?

(3) Whether, in your opinion, the alternative provisions of that act extending the electoral franchise to those complying with their conditions, and denying it to those not complying with them, or who are otherwise disqualified, have materially prompted the present movement for a constitutional inhibition of polygamy?

Your obedient servant,

JOHN A. MCCLERNAND.

To the first question propounded within, I answer, yes.

To the second question, I answer, no.

To the third question, I answer, yes.

C. S. ZANE.

III.

From Hon. William G. Bowman.

OFFICE OF THE UTAH COMMISSION,
Salt Lake, August 16, 1887.

Hon. WM. G. BOWMAN,
Surveyor-Gen. U. S., U. T. :

DEAR SIR: Permit me to inquire whether, from personal and official observation, you are of opinion that the laws of the United States are working with increasing and encouraging effect a reformation of the practice of polygamy in this Territory?

Your obedient servant,

JOHN A. MCCLERNAND.

SALT LAKE CITY, UTAH,
August 17, 1887.

MY DEAR GENERAL: My answer to above interrogation is a decided yes. The change in Mormon sentiment in the last year has been marked and encouraging on the question of the suppression and abandonment of polygamy.

Truly your friend,

WM. G. BOWMAN,
U. S. Sur. Gen'l.

IV.

Letter of Hon. Hadley D. Johnson.

SALT LAKE CITY, UTAH,
September 1, 1887.

To Hon. A. B. CARLTON and Gen. JOHN A. MCCLERNAND :

GENTLEMEN: Your esteemed note of August 17 has been at hand for some days, and after some delay, having been somewhat indisposed, I shall attempt a reply to your inquiry. * * *

You ask me, "What, in your [my] judgment, will be the efficacy of the laws of the United States, particularly the Edmunds-Tucker act, in putting a stop to the practice of polygamy in this Territory?" (Utah)? * * *

I have been somewhat acquainted with a good many of the Latter-day Saints, as they call themselves, since the year 1851, at which time I located at Council Bluffs, Iowa, at which time most of the inhabitants of that place and vicinity were of the Mormon faith, and, although never having been sufficiently intimate with them to become acquainted with the inside workings of their "peculiar institution," I have not been unobservant of its outside effects and influences. * * *

The bill introduced into Congress providing for a Territorial government in Utah became a law in 1850, and from that time until 1862 Congress, although doubtless fully aware of the open practice of this offense (polygamy) in Utah, failed to enact any law prohibiting the practice * * * in the Territory. * * *

Even after the enactment * * * of 1862, no efforts of any importance seem to have been made to enforce it for many years, the Mormons claiming and no doubt believing the law to be unconstitutional, and remaining unmolested, * * * continued openly to avow their unlawful practices. * * *

To test the constitutionality of the law of 1862, an appeal was taken to the Supreme Court of the United States, and that tribunal decided the law to be constitutional. *

Recently, however, * * * there seems to have been a change in the nature of the efforts to punish violators of the law against polygamy and unlawful cohabitation. By unyielding and determined, yet humane, efforts, the law is now being enforced to such an extent * * * (that) the open and avowed practice of polygamy is unknown here. * * *

But you want my opinion. * * * Therefore, to be more explicit, * * * I will remark, that if judicious, legal, and humane efforts shall continue to be made by those having authority to enforce the laws now in existence, in a spirit of fairness and without apparent or real malice, I am prepared to believe that the "peculiar institution" may be repressed in the not distant future, or, if not entirely suppressed, it will become so unpopular that the younger members of the church will repudiate the system, * * * and that as a tenet of the Mormon church it will become obsolete and fall into a state of "innocuous desuetude."

As you are aware, at the late constitutional convention held in this city, among the provisions * * * adopted by that body was one providing for a total prohibition of the practice of polygamy in the proposed State. There are different opinions as to the good faith of the members of the convention—some people holding that the adoption of this provision was a mere sham, intended to deceive Congress and the people of the States, and by means of this deception to procure admission into the Union of the States, while others believe that the proposition was made in good faith, and that if the State should be admitted the provision * * * would be carried out to the letter. What might have influenced the majority of the convention * * * I, of course, have no means of determining. All that I know is that some of the members were and are sincerely desirous that the system of polygamy should be eliminated from the Mormon church. I say I *know* such to be the case, but, perhaps, it would be nearer the truth to say that I firmly *believe* it. * * *

If statehood should be granted at once, or if those who clamor for a legislative commission succeed in their efforts, the result might be different.

From what I have said you may reasonably infer that I do not think any change is at present desirable in the laws of Congress on this subject. Let the Government persist in a just and vigorous effort to enforce existing laws, and I believe a change will take place for the better—one which will redound to the interest and peace and happiness of the people of Utah * * * and in time, when they become reconciled, they will be permitted to assume and enjoy the inestimable blessings of statehood."

Very sincerely, your friend,

HADLEY D. JOHNSON.

[NOTE.—The author of the letter containing the foregoing extracts was an early and prominent actor in public affairs successively in Indiana, Iowa, Nebraska, and Idaho, and is now and has been for years a resident of Salt Lake City.]

Addendum K

Memorial of the Constitutional Convention of Utah (1887)

MEMORIAL

OF THE

CONSTITUTIONAL CONVENTION OF UTAH.

JANUARY 12, 1888.—Referred to the Committee on Territories and ordered to be printed.

*To the President and the Senate and House of Representatives
of the United States of America in Congress assembled :*

GENTLEMEN: For the fifth time the people of Utah present to your honorable body a constitution providing for a republican form of government, and respectfully ask admission into the Union as a free and sovereign State.

Your memorialists are delegates in a constitutional convention, chosen by the people of this Territory in mass meetings, to which all citizens of every party were publicly invited. The constitution presented herewith was framed by your memorialists with a desire to effect a political settlement of the questions which have heretofore interposed, as the sole objections, when Utah has applied for the rights and privileges of statehood.

Under recent acts of Congress no person practicing polygamy can vote or hold office in this Territory. Your memorialists are registered voters, and the constitution which they adopted on 7th day of July, 1887, was ratified at the general election, August 1, 1887, by a popular legal vote of 13,195, only 502 voting against it. The total number of votes cast at the same election for precinct and county officers and members of the legislative assembly was 16,640. This shows a balance of 2,943 who refrained from voting on this question; the voters of the minority party having been so directed, openly, by their political leaders, who do not favor any movement for the removal of those disabilities which are common to the Territorial system, unless likely to be specially favorable to them.

The number of the voting population has been considerably reduced by the operations of Congressional statutes. The act of March 22, 1882, disfranchised all polygamists. The act of March 3, 1887, excluded all women from the polls. The test oath prescribed by the same law was so distasteful to many persons of all classes who were otherwise qualified that they abstained from registration. And, as only registered voters could cast their ballots at the general election, for or against the constitution framed by your memorialists, the total vote in its favor was, under the circumstances, remarkably large.

The people who have adopted and ratified this constitution are law-abiding citizens of the United States. They have not violated any law of Congress. The special provisions they have framed in reference to practices condemned by the popular voice were made in good faith, and

so worded that they are practically unrepeatable. In these Congress has not imposed unusual requirements upon a new State, but the people have placed these restrictions upon themselves in order to meet prevailing objections and secure political harmony with the existing States. In doing this they consider they have but exercised a reserved and constitutional right. If Utah shall be admitted into the Union, these provisions will be strictly and fairly enforced.

Your memorialists have no hesitation in stating that almost the entire population of Utah are desirous of becoming fully identified as a State with the institutions of this great Republic and taking part in national affairs as loyal and peaceable citizens. They have demonstrated their fitness for the duties, responsibilities, and privileges of statehood. They are thrifty, temperate, industrious, intelligent, and progressive. They form a vigorous, stable, and permanent community, out of debt and ready to move forward in step with existing States.

The Territory has a population of not less than 200,000. Her wealth, exclusive of mines, which are untaxed and represent unknown millions, aggregates not less than \$150,000,000. Her resources, products, interests, and prospects are conceded by all to be amply sufficient to sustain a State government, and have so frequently been presented to Congress and the nation, with statistics, that we deem it unnecessary to detail them in this memorial. The soil, irrigated by mountain streams diverted through canals and ditches over large areas once a desert, brings forth grain and fruit in rich abundance. Cattle and sheep roam upon a thousand hills and supply both home and foreign markets. Her woolen and other manufactories have become famous for their honest and useful products. Factories and workshops supply labor to skilled and common artisans, who are content with reasonable wages and among whom strikes and troubles with capital have hitherto been unknown. The necessities and many of the luxuries of life are abundant and cheap. Minerals of all kinds abound within her borders, and the mining output aggregates from \$7,000,000 to \$10,000,000 annually. Apart from the precious metals there are valuable deposits so varied in character and immense in quantity as to afford in themselves material for untold wealth. These await but the touch of the capital that a settled condition will draw to Utah, to be brought forth for the benefit of her people and the enrichment of the nation. The great railroads which already have their termini in or near her capital city, with others in process of construction, place her people in easy communication with the rest of the country and facilitate commercial relations. The telegraph, the telephone, the electric light, and other modern improvements are utilized extensively by her citizens. Her business status and reputation in the great centers of trade are unimpeachable. Her taxes are phenomenally low, and her internal affairs have been honestly and economically conducted. Her school system, with the best text-books used in the foremost schools of the country, provide strictly secular education for the children in every city and settlement. Her school statistics bear very favorable comparison with even the older States. Nothing now stands in the way of her march to that proud position to which everything just and natural points as her destiny but those political disabilities which only statehood can remove.

We appeal to your honorable body to regard the wishes of a people who earnestly desire to aid in promoting the welfare and glory of the Union, and who, from the day their pioneers first unfurled the stars and stripes, on this then Mexican soil, have looked forward to the time when they should enter the Union as a State, as guaranteed to them

in common with other residents on the territory acquired by the treaty of Guadalupe Hidalgo.

We ask that the constitution of the new proposed State of Utah shall receive the close and impartial attention of your honorable body. It guaranties "a republican form of government." It provides for equal rights and privileges before the law to citizens of all parties, creeds, and conditions. It is broad and liberal and contains the best provisions to be found in other State constitutions. It meets the demands that have been made upon the majority of the people of Utah when they have previously asked admission into the Union. What more can be required of any people?

The admission of Utah will relieve the Government of a question that has troubled it for a quarter of a century, and remove it from national to local regulation, where it properly belongs. It will add one more star to the national galaxy, increase the strength of the Union, save the country many thousands of dollars annually, and bind to the interests of the nation a body of honest, patriotic, and grateful people, who will be found, when the mists of misrepresentation and prejudice are cleared away, to be a community of which any government might be proud.

We ask for "a republican form of government," and we ask that it be given us now. For nearly forty years Utah has been pleading for statehood. Shall a deaf ear be still turned to her entreaties? We hope for better things. In behalf of the great majority of the voters who represent the vast majority of the people of Utah, we submit that having broken no law we should not be deprived of our liberties on account of objections raised against others. We ask for justice and a fair consideration of our cause, with the solemn pledge that Utah as a State will be faithfully devoted to true republican principles, and to the interests and welfare of the Government of the United States; and your memorialists will ever pray.

Adopted in convention at Salt Lake City, Utah Territory, on the 8th day of October, A. D. 1887, by unanimous vote, and ordered to be signed by the president and secretary.

JOHN T. CAINE,
President.
HEBER M. WELLS,
Secretary.

CONSTITUTION OF THE STATE OF UTAH.

PREAMBLE.

We, the people of Utah, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquillity, and form a more perfect government, do establish this

CONSTITUTION.

ARTICLE I.—*Bill of Rights.*

SECTION 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

SEC. 2. All free governments are founded on the authority of the people, and instituted for their equal protection and benefit.

SEC. 3. There shall be no union of church and State, nor shall any church dominate the State.

SEC. 4. The right to worship God, according to the dictates of conscience, shall never be infringed, nor shall the State make any law respecting an establishment of religion or prohibiting the free exercise thereof; nor shall any control of, or interference with the rights of conscience be permitted. No religious test or property qualification shall be required for any office or public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief, or the absence thereof.

SEC. 5. The right of trial by jury shall remain forever inviolate; but the legislature may provide that in civil actions five-sixths of a jury may render a verdict; and that in inferior courts a number less than twelve may constitute a jury.

SEC. 6. The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 7. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

SEC. 8. All persons shall be bailable by sufficient sureties; unless for capital offenses, when the proof is evident or the presumption great.

SEC. 9. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger, nor shall any person for the same offense be twice put in jeopardy; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken or damaged for public use without just compensation.

SEC. 10. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SEC. 11. The State shall pass no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and petition the Government for the redress of grievances.

SEC. 12. The military shall be subordinate to the civil power.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law, and no standing army shall be maintained by this State in time of peace.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. There shall be no imprisonment for debt, except in cases of fraud.

SEC. 16. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall be passed.

SEC. 17. All laws of a general nature shall have a uniform operation.

SEC. 18. Foreigners who are, or who may hereafter become, bona fide residents of this State, shall have the same rights in respect to the possession, enjoyment, transmission, and inheritance of property as native-born citizens.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons or things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 21. The right of citizens to keep and bear arms for common defense shall not be questioned.

SEC. 22. The blessings of free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.—*Right of Suffrage.*

SECTION 1. Every male citizen of the United States, not laboring under the disabilities named in this constitution, of the age of twenty-one years and over, who shall have resided in the State six months, and in the county and voting precinct thirty days, next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election: *Provided*, That no person who has been or may be convicted of treason or felony,

in any State or Territory of the United States, or in any district over which the United States has jurisdiction, unless restored to civil rights, shall be entitled to the privileges of an elector.

SEC. 2. During the day on which any general election shall be held, no elector shall be obliged to perform military duty, except in time of war or public danger.

SEC. 3. All elections by the people shall be by secret ballot.

SEC. 4. Provisions shall be made by law for the registration of the names of the electors within the counties and voting precincts of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage.

ARTICLE III.—*Distribution of Powers.*

SECTION 1. The powers of the government of the State of Utah shall be divided into three separate departments: the legislative, the executive, and the judicial; and neither of said departments shall exercise any functions appertaining to either of the others except in the cases herein expressly directed or permitted.

ARTICLE IV.—*Legislative Department.*

SECTION 1. The legislative authority of this State shall be vested in a legislature, which shall consist of a senate and house of representatives, and the sessions thereof shall be held at the seat of government.

SEC. 2. The sessions of the legislature shall be biennial, and, except at the first session thereof, shall commence on the second Monday in January next ensuing the election of members of the house of representatives unless the governor shall convene the legislature by proclamation.

SEC. 3. The members of the house of representatives shall, except at the first election, be chosen biennially, by the qualified electors of their respective districts, at the general election, and their term of office shall be two years from and including the first Monday in December next succeeding their election.

SEC. 4. The senators shall be chosen by the qualified electors of their respective districts, at the same time and places as the members of the house of representatives, and their term of office shall be four years from and including the first Monday in December next succeeding their election, except as otherwise provided in section 10 of Article XVII of this constitution.

SEC. 5. The first legislature shall consist of twelve senators and twenty-four representatives; the number of senators and representatives may be increased, but the senators shall never exceed thirty in number, and the number of representatives shall never be less than twice that of the senators. The apportionment and increase of the members of both houses shall be as prescribed by law.

SEC. 6. No person shall be a senator who shall not have attained the age of twenty-five years, nor shall any person be a senator or representative who shall not be a citizen of the United States, and who, except at the first election, shall not have been two years a resident of this State and for six months next preceding his election a resident of the district in which he is elected. No person holding any State office, except officers of the State militia, commissioners of deeds, and notaries public, and no executive or judicial officer shall have a seat in the legislature.

SEC. 7. The members of the legislature shall, before entering upon their official duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of their respective offices.

SEC. 8. Each house shall judge of the qualifications, elections, and returns of its own members, may punish them for disorderly conduct, and with the concurrence of two-thirds of its whole number, expel a member.

SEC. 9. No member of the legislature shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by election by the people.

SEC. 10. Members of the legislature, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and after the termination thereof; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 11. When a vacancy occurs in either house, the governor shall order an election to fill such vacancy.

SEC. 12. A majority of all the members elected to each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 13. Each house shall establish its own rules, keep a journal of its own proceedings, and publish them, except such parts as require secrecy, and the yeas and nays of the members of either house, on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 14. The door of each house shall be kept open during its session, except the senate while sitting in executive session; and neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be holding session.

SEC. 15. The enacting clause of every law shall be as follows: "Be it enacted by the legislature of the State of Utah."

SEC. 16. Any bill or joint resolution may originate in either house of the legislature, and shall be read three times in each house before the final passage thereof, and shall not become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, which shall be entered on the journal.

SEC. 17. No law shall be revised or amended by reference to its title only, but the act as revised, or section as amended, shall be enacted and published at length.

SEC. 18. All bills or joint resolutions passed by the legislature shall be signed by the presiding officers of the respective houses.

SEC. 19. The legislature shall not grant any special privilege or bill of divorce, nor authorize any lottery, gift enterprise, or game of chance.

SEC. 20. No money shall be drawn from the treasury except as appropriated by law.

SEC. 21. Provision shall be made by law for bringing suit against the State.

SEC. 22. The first regular session of the legislature may extend to one hundred and twenty days, but no subsequent regular session shall exceed sixty days, nor shall any session convened by the governor exceed twenty days.

SEC. 23. The members and officers of the legislature shall receive for their services a compensation to be fixed by law, and no increase of such compensation shall take effect during the term for which the members and officers of either house shall have been elected.

SEC. 24. Every bill passed by the legislature shall be presented to the governor. If he approve it, he shall sign it, whereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall cause such objections to be entered upon its journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by a vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him, Sundays excepted, exclusive of the day on which he received it, the same shall be law in like manner as if he had signed it, unless the legislature, by its final adjournment, prevent such return, in which case it shall not become a law unless the governor, within ten days after the adjournment, shall file such bill, with his approval thereof, in the office of the secretary of state: *Provided*, That every general appropriation bill shall be presented to the governor at least five days before the day of final adjournment, and in case he vetoes the same, in whole or in part, he shall return it, with his objections to the whole or to the separate items of which he may disapprove, not less than two days before said final adjournment, whereupon each house shall proceed to consider his objections to the whole or to the separate items of which he may disapprove, and any item not receiving the necessary two-thirds vote shall not become law.

ARTICLE V.—Executive department.

SEC. 1. The supreme executive power of this State shall be vested in a governor.

SEC. 2. The governor shall be elected by the qualified electors at the time and places of voting for the members of the legislature, and shall hold his office for the term of two years from and including the first Monday in December next succeeding his election, and until his successor shall be qualified.

SEC. 3. No person shall be eligible to the office of governor who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty-five years, and who, except at the first election under this constitution, shall not have been a citizen resident of this State for two years next preceding the election.

SEC. 4. The governor shall be commander-in-chief of the military forces of this State, and may call out the same to execute the laws, suppress insurrection, and repel invasion, and when the governor shall, with the consent of the legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue commander-in-chief of the military forces of the State.

SEC. 5. He shall transact all executive business for and in behalf of the State, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 6. When any office shall from any cause become vacant, and no mode is prescribed by the constitution or laws for filling such vacancy, the governor shall have power to fill such vacancy by appointment, which vacancy shall expire when such vacancy shall be filled by due course of law.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. The governor may, on extraordinary occasions, convene the legislature by proclamation, and shall state to both houses when organized the purpose for which they have been convened.

SEC. 9. He shall communicate by message to the legislature, at every regular session, the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, of all offenses except impeachment, subject to such restrictions and regulations as are named in this constitution or as may be provided by law.

SEC. 11. A lieutenant-governor shall be elected at the same time and places and in the same manner as the governor, and his term of office and his eligibility shall also be the same. He shall be the president of the senate, but shall only have a casting vote therein. In case of impeachment of the governor, or his removal from office, death, inability to discharge the duties of said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the disability shall cease; and in case of the disability of both the governor and lieutenant-governor, the powers and duties of the executive shall devolve upon the secretary of state until such disability shall cease or the vacancy be filled.

SEC. 12. A secretary of state, a treasurer, an auditor, a surveyor-general, and an attorney-general shall be elected at the same time and places and in the same manner as the governor; the term of office of each shall be the same as is prescribed for the governor. Any elector who, except at the first election, shall have resided in this State two years next preceding such election shall be eligible to any of said offices, except the secretary of state, whose qualifications shall be the same as those of the governor.

SEC. 13. There shall be a seal of the State, kept by the secretary of state, which shall be called the "Great Seal of the State of Utah."

SEC. 14. All grants and commissions shall be in the name and by the authority of the State of Utah, and shall be signed by the governor, and countersigned by the secretary of state, who shall affix the great seal of the State thereto.

SEC. 15. The secretary of state shall be the custodian of the official acts of the legislature, and shall keep a true record of the proceedings of the executive department of the government, and shall, when required, lay the same and all other matters relative thereto before either branch of the legislature.

SEC. 16. The secretary of state, treasurer, auditor, surveyor-general, and attorney-general shall perform such other duties as may be prescribed by law.

SEC. 17. The governor shall not, during the term for which he is elected and qualified, be elected to the senate of the United States.

ARTICLE VI.—*Judicial department.*

SECTION 1. The judicial power of this State shall be vested in a supreme court, circuit courts, and such inferior courts as shall be established, and whose jurisdiction shall be determined by law.

SEC. 2. The supreme court shall consist of a chief-justice and two associate justices, a majority of whom shall constitute a quorum.

SEC. 3. The justices of the supreme court shall be elected by the qualified electors of the State at the general election, and except as otherwise provided in section 12 of Article XVII of this constitution, shall hold office for the term of six years from and including the first Monday in December next succeeding their election, and until their successors are qualified; the senior justice in commission shall be chief-justice, and in case the commissions of any two or more of said justices shall bear the same date, they shall determine by lot who shall be chief-justice.

SEC. 4. The supreme court shall have appellate jurisdiction in all cases arising under the laws of the State, including special proceedings. The court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any circuit court in the State, or before any judge of said courts.

SEC. 5. The State shall be divided into a convenient number of judicial circuits, in each of which shall be elected, by the electors thereof, at the general election, one judge, who shall be the judge of the circuit court therein, and whose term of office shall

be four years from and including the first Monday in December next succeeding his election and until his successor shall be qualified. Until otherwise provided by law, there shall be four circuits, as follows: The counties of Weber, Box Elder, Cache, Rich, and Morgan shall constitute the first circuit; the counties of Salt Lake, Summit, Davis, and Tooele shall constitute the second circuit; the counties of Utah, Juab, Emery, San Pete, Sevier, Millard, Wasatch, and Uintah shall constitute the third circuit; and the counties of Beaver, Iron, Washington, Kane, Garfield, San Juan, and Piute shall constitute the fourth circuit.

SEC. 6. The circuit courts shall have both chancery and common-law jurisdiction; and such other jurisdiction, both original and appellate, as may be prescribed by law: *Provided*, That nothing herein shall be so construed as to prevent the legislature from conferring limited common-law or chancery jurisdiction upon inferior courts.

SEC. 7. The judges of the circuit courts may hold court for each other, and shall do so when required by law.

SEC. 8. The judges of the supreme and circuit courts shall be ineligible to election to any other than a judicial office, or to hold more than one office at the same time.

SEC. 9. No person shall be eligible to the office of supreme or circuit judge who is not a male citizen of the United States, and has not attained the age of twenty-five years, and who, except at the first election, has not been a resident of this State at least two years next preceding his election. But nothing in this section shall be construed to prevent the legislature from prescribing additional qualifications.

SEC. 10. The judges of the supreme and circuit courts shall each receive for his services a salary to be fixed by law, which shall not be diminished for the term for which he shall have been elected.

SEC. 11. The legislature shall determine by law the places in each circuit at which the circuit courts shall be held, and fix the terms thereof.

SEC. 12. The supreme court shall always be open for business, except in case of adjournment, which in no case shall exceed thirty days. Its sessions shall be held at the seat of government.

SEC. 13. The style of all process shall be "The State of Utah," and all prosecutions shall be conducted in the name and by the authority of the same.

ARTICLE VII.—*Impeachment.*

SEC. 1. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting as a court of impeachment the senators shall be upon oath or affirmation to do justice according to law and evidence, and no person shall be convicted without the concurrence of two-thirds of all the senators.

SEC. 2. The governor, judges of the supreme and circuit courts, and other State officers shall be liable to impeachment. When the governor or lieutenant-governor is tried the chief justice of the supreme court shall preside, and in all cases judgment shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under this State, but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law.

SEC. 3. When an impeachment is directed the house of representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same.

SEC. 4. In all impeachment trials the accused shall have the right to appear, and in person, and by counsel, to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf.

SEC. 5. Any State officer shall be liable to impeachment for corrupt conduct in office, for immoral conduct, for habitual drunkenness, or for any act which, by the laws of the State, may be made a felony.

SEC. 6. The legislature shall determine by law the cause, and provide for the removal, of any officer whose removal is not herein provided for.

ARTICLE VIII.—*Municipal and other Corporations.*

SEC. 1. The legislature shall pass no special act conferring corporate powers.

SEC. 2. The legislature shall by general laws provide for the organization of cities, towns, and villages, and restrict their powers of taxation and assessment.

SEC. 3. The legislature shall provide, by general laws, for the organization of private corporations.

ARTICLE IX.—*Finance and State debt.*

SEC. 1. The legislature shall provide by law for an annual tax, sufficient to defray the expenses of the State.

SEC. 2. The State shall not assume or guarantee the debts of, nor loan money or its credit to, or in aid of, any county, city, town, village, school district, private corporation, or any individual, nor be interested in the stock of any company, association, or corporation.

SEC. 3. The State debt shall not at any time exceed 3 per centum of the taxable property of the State, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness.

SEC. 4. No subdivision of the State shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding the following percentages of the taxable property therein; to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness, viz: School districts, 2 per centum; counties, 2 per centum; cities, 5 per centum: *Provided*, That cities of 5,000 inhabitants and upwards (to be ascertained by the preceding census) may for the purpose of furnishing water increase their indebtedness to an additional amount of not exceeding 5 per centum of the taxable property, as aforesaid, upon a two-thirds vote of the qualified voters at an election called for that purpose. Any city, county, or school district incurring any indebtedness as aforesaid shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty-five years from the time of contracting the same.

ARTICLE X.—*Taxation.*

SECTION 1. The legislature shall by law provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal, and possessory: *Provided*, That mines and mining claims bearing gold, silver, and other precious metals, except the surface improvements thereof, shall be exempt from taxation for a period of ten years from the date of the adoption of this constitution, and thereafter may be taxed as provided by law.

SEC. 2. The property of the United States and the property of this State, and such property as may belong to any county or municipal corporation or as may be used exclusively for agricultural, horticultural, and scientific societies, chartered or controlled by the State or for school, religious, cemetery, or charitable purposes, shall be exempt from taxation; and ditches, canals, dams, reservoirs, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations or by the individual members thereof shall not be taxed so long as they shall be owned and used exclusively for such purposes.

SEC. 3. The legislature shall not impose taxes for the purpose of any county, city, town, or other corporation, but may by law vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporations.

ARTICLE XI.—*Education.*

SECTION 1. The legislature shall provide for a uniform system of public schools, the supervision of which shall be vested in a State superintendent and such other officers as the legislature shall provide. The superintendent shall be chosen by the qualified electors in the State in such manner as the legislature shall provide. His powers, duties, and compensation shall be prescribed by law.

SEC. 2. The legislature may establish free schools: *Provided*, That no sectarian or denominational doctrine shall be taught in any school supported in whole or in part by public funds. Nor shall any professor, instructor, or teacher be preferred, employed, or rejected in said schools on account of his religious faith or belief or affiliation or sympathy with any denomination, creed, or sect.

SEC. 3. All legislation in regard to education shall be impartial, guarantying equal rights and privileges to all persons, irrespective of race, color, or religion.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of schools shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands and such other means as the legislature may provide, shall be appropriated to the support of the public schools throughout the State.

SEC. 5. The University of Deseret shall be the university of this State, and be under the control of the legislature. The proceeds of all lands that have been granted by Congress for university purposes shall be and remain a perpetual fund, the interest of which,

together with the rents of unsold land, shall be appropriated to the support of said university.

SEC. 6. The legislature shall foster and encourage moral, intellectual, and scientific improvement. They shall make suitable provisions for the education of the blind and mute, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

ARTICLE XII.—*The militia.*

SECTION 1. The legislature shall provide by law for organizing and disciplining a militia of this State in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States nor the constitution of this State.

SEC. 2. Officers of the militia shall be elected or appointed in such manner as the legislature shall, from time to time, direct, and shall be commissioned by the governor.

SEC. 3. The legislature shall provide for calling forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

ARTICLE XIII.—*Public institutions.*

SECTION 1. Institutions for the care and benefit of the insane, the blind, the deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

SEC. 2. A State prison shall be established and maintained in such manner as may be prescribed by law, and provision shall be made by law for the establishment and maintenance of a house of correction for juvenile offenders.

SEC. 3. The respective counties of the State shall provide, as may be prescribed by law, for those persons who, by reason of age, infirmity, or misfortune, may have claim upon the sympathy and aid of society.

ARTICLE XIV.—*Boundary.*

The boundary of the State of Utah shall be as follows:

Commencing at a point formed by the intersection of the thirty-second degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the intersection of the same with the thirty-seventh degree of longitude west from Washington; thence due north along said thirty-seventh degree of west longitude to the intersection of the same with the forty-second degree of north latitude; thence due east along said forty-second degree of north latitude to the intersection of the same with the thirty-fourth degree of longitude west from Washington; thence due south along said thirty-fourth degree of west longitude to the intersection of the same with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to the intersection of the same with the thirty-second degree of longitude west from Washington; thence due south along said thirty-second degree of west longitude to the place of beginning.

ARTICLE XV.—*Miscellaneous provisions.*

SECTION 1. The seat of government shall be at Salt Lake City, until the legislature may otherwise determine.

SEC. 2. No person shall be eligible to any elective office who is not a qualified elector.

SEC. 3. The general election shall be held on the first Monday in August of each year, unless otherwise provided by law.

SEC. 4. The legislature shall provide for the speedy publication of all laws of this State.

SEC. 5. The compensation of all State officers shall be as prescribed by law: *Provided*, No change of salary or compensation shall apply to any officer, except a judge of the supreme or circuit court, during the term for which he may have been elected.

SEC. 6. All executive officers of the State shall keep their respective offices at the seat of government.

SEC. 7. A plurality of votes given at any election by the people for officers shall constitute a choice, where not otherwise provided by the constitution.

SEC. 8. No person holding any office of honor or profit under the government of the United States, shall hold office under the government of this State, except postmasters whose annual compensation does not exceed \$300, and except as otherwise provided in this constitution.

SEC. 9. The legislature at their first session shall prescribe the methods of conducting all general and special elections in this State, and for canvassing all votes cast at such elections, and declaring the results thereof.

SEC. 10. All officers, executive, judicial, and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath or affirmation: I ——— do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of Utah, and will faithfully discharge the duties of the office of ——— according to the best of my ability.

SEC. 11. Until otherwise provided by law, the several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than \$1,000 and imprisonment for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

ARTICLE XVI.—*Amendments.*

SECTION 1. Any amendment or amendments to this constitution, if agreed to by a majority of all the members elected to each of the two houses of the legislature, shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be elected, and shall be published for three months next preceding the time of such election, and if, in the legislature next elected as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the constitution: *Provided*, That section 12 of Article XV shall not be amended, revised, or in any way changed until any amendment, revision, or change as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual.

SEC. 2. If at any time the legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this constitution, the electors shall vote at the next election for members of the legislature, for or against a convention for that purpose, and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention, to be held within six months after the passage of such law; and such convention shall consist of a number of members not less than that of the two branches of the legislature.

ARTICLE XVII.—*Schedule and election.*

SECTION 1. That no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared that all rights, actions, prosecutions, judgments, claims, and contracts, as well of individuals as of bodies corporate, both public and private, shall continue as if no change had taken place, and all process which may issue under the authority of the Territory of Utah previous to its admission into the Union shall be as valid as if issued in the name of the State of Utah.

SEC. 2. All laws of the Territory of Utah, in force at the time of the admission of this State, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the legislature.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of Utah, or to the people of the United States in the Territory of Utah, shall inure to this State, and all debts, liabilities and obligations of said Territory shall be valid against the State, and enforced as may be provided by law.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a Territorial to a State government, shall remain valid, and shall pass to and be prosecuted in the name of the State; and all bonds executed to the governor of the Territory, or to any other officer or court, in his or their official capacity, or to the people

of the United States in the Territory of Utah, shall pass to the governor or other officer or court, and his or their successors in office, for the uses therein respectively expressed, and may be sued on and recovery had accordingly; and all revenue, property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, claims, and debts, of whatsoever description, and all records and public archives of the Territory of Utah, shall issue and vest in the State of Utah, and may be sued for and recovered in the same manner and to the same extent by the State of Utah as the same could have been by the Territory of Utah. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Utah before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Utah, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity, and other legal proceedings which may be pending in any of the courts of the Territory of Utah at the time of the change from a Territorial to a State government, may be continued and transferred to and determined by any court of the State having jurisdiction; and all books, papers, and records relating to the same shall be transferred in like manner to such court.

SEC. 5. For the purpose of taking the vote of the electors of this Territory for the ratification or rejection of this constitution, the registration officers appointed by the Utah Commission in the several counties are hereby each requested to add to the notices which they are required by law to post in each precinct, designating the offices to be filled at the general election to be held on the first Monday in August, 1887, the further notice, as follows, to wit:

"At the same time and place, the question of the ratification or rejection of the State constitution adopted by the constitutional convention in Salt Lake City, July 7, 1887, will be submitted to the registered voters of the precinct; those who are in favor of ratification will write or cause to be written or printed on the bottom of their ballots the words 'Constitution, yes,' and those in favor of rejection, 'Constitution, no.'"

If the registration officers or either of them shall refuse or neglect to post the notice herein provided for, the county clerks of the respective counties are hereby requested to post a notice to the same effect in each precinct on the 16th day of July, 1887.

SEC. 6. The judges of election, or either of them, appointed by the Utah Commission in each precinct to canvass and count the votes are hereby requested, after the polls are closed, to canvass and count the ballots cast for and against this constitution and make returns of the same forthwith, by the most safe and expeditious conveyance, to Heber M. Wells, Salt Lake City, the secretary of this convention, marked "Constitution election returns." Upon the receipt of said returns, or within fourteen days after the election, if the returns are not sooner received, it shall be the duty of the president and secretary of this convention and the probate judge of Salt Lake County, or any two of the persons named in this section, to canvass the returns of said election in the presence of all who may choose to attend, and immediately publish an abstract of said returns in one or more of the newspapers published in the Territory of Utah, and forward a copy of said abstract, duly certified by them, to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Delegate in Congress from Utah Territory.

SEC. 7. Until otherwise provided by law, the apportionment of senators and representatives shall be as follows:

REPRESENTATIVE DISTRICTS.

No. 1.—All of Rich County and Logan, Hyde Park, Smithfield, and Providence precincts, Cache County.

No. 2.—Balance of Cache County.

No. 3.—Box Elder County.

No. 4.—Ogden precinct, Weber County.

No. 5.—Balance of Weber County.

No. 6.—Morgan County, Davis County, and Pleasant Green, Hunter, and North Point precincts, in Salt Lake County, and Henneferville precinct, Summit County.

No. 7.—Summit County (except Henneferville, Peoa, Woodland, and Kamas), and Mountain Dell and Sugar House Ward, in Salt Lake County.

No. 8.—All of Tooele County, Tintic precinct, Juab County and Bingham precinct, Salt Lake County.

No. 9.—First Salt Lake City precinct.

No. 10.—Second Salt Lake City precinct.

No. 11.—Third and Fourth Salt Lake City precincts, and Brighton and Granger precincts, in Salt Lake County.

No. 12.—Fifth Salt Lake City precinct, including Fort Douglas.

No. 13.—North Jordan, West Jordan, South Jordan, Fort Herriman, Riverton, Bluff Dale, South Cottonwood, Union, and Sandy precincts, in Salt Lake County.

No. 14.—Farmer's Mill Creek, East Mill Creek, Big Cottonwood, Little Cottonwood, Butler, Granite, Draper, and Silver precincts, in Salt Lake County.

No. 15.—Lehi, Cedar Fort, Fairfield, Alpine, Goshen, Santaquin, Spring Lake, Payson, and Spanish Fork precincts, in Utah County.

No. 16.—American Fork, Pleasant Grove, Provo Bench, Lakeview, and Provo precincts, in Utah County.

No. 17.—Springville, Thistle, Pleasant Valley Junction, Benjamin, and Salem precincts, in Utah County; all of Emery County and Winter Quarters precinct, in San Pete County.

No. 18.—All of Uintah and Wasatch Counties, and Kamas, Woodland, and Peoa precincts, in Summit County.

No. 19.—Nephi, Mona, Levan, and Juab precincts, of Juab County, and all of Millard County.

No. 20.—Thistle, Fairview, Mount Pleasant, Spring City, Moroni, Fountain Green, and Ephraim precincts, in San Pete County.

No. 21.—Chester, Wales, Manti, Pettyville, Mayfield, Gunnison, Fayette, and Freedom precincts, in San Pete County, and all of Sevier County.

No. 22.—All of Beaver and Piute Counties.

No. 23.—All of Iron and Garfield Counties, New Harmony precinct, of Washington County, and Bluff City and McElmo precincts, in San Juan County.

No. 24.—All of Kane and the balance of Washington County.

SENATORIAL DISTRICTS.

No. 1.—First and sixth representative districts.

No. 2.—Second and third representative districts.

No. 3.—Fourth and fifth representative districts.

No. 4.—Seventh and ninth representative districts.

No. 5.—Tenth and twelfth representative districts.

No. 6.—Eleventh and fourteenth representative districts.

No. 7.—Eighth and thirteenth representative districts.

No. 8.—Fifteenth and sixteenth representative districts.

No. 9.—Seventeenth and eighteenth representative districts.

No. 10.—Nineteenth and twentieth representative districts.

No. 11.—Twenty-first and twenty-second representative districts.

No. 12.—Twenty-third and twenty-fourth representative districts.

SEC. 8. A copy of this constitution, certified to be correct by the president and secretary of this convention, shall be published by them on or before the 15th day of July, 1887, in one or more of the newspapers in Utah Territory. The president and secretary shall also, immediately after its ratification, forward copies of this constitution, duly certified, to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the Delegate in Congress from Utah Territory, and shall deliver or forward a copy, certified as aforesaid, to each of the delegates who may hereafter be elected by this convention.

SEC. 9. The terms of all officers named in this constitution, except judicial and senatorial, elected at the first election, shall continue from the time of qualification until the expiration of two years from and including the first Monday in December next succeeding their election, and until the qualification of their successors.

SEC. 10. The State senators to be elected at the first election under this constitution shall draw lots, so that the term of one-half of the number, as nearly as may be, shall expire at the end of two years from the first Monday in December next succeeding their election, and the term of the other half shall expire in four years from the first Monday in December next succeeding their election, so that one-half, as nearly as may be, shall be elected biennially thereafter: *Provided*, That in drawing lots for all senatorial terms, the senatorial representation shall be allotted so that in the counties having two or more senators the terms thereof shall be divided as equally as may be between the long and short terms, and in case of increase in the number of senators they shall be so annexed by lot to one or the other of the two classes as to keep them as nearly equal as practicable.

SEC. 11. Unless otherwise provided by Congress, the first election for all officers named in this constitution shall be held on the first Monday in the second month next succeeding the passage of an enabling act or the approval of this constitution by Congress, and

such election shall be conducted and returns thereof made in the manner provided by law. The first session of the legislature shall commence, and all officers herein provided for shall enter upon the duties of their respective offices, on the first Monday of the second month next succeeding said election.

SEC. 12. The justices of the supreme court, elected at the first election, shall hold office from and including the first Monday of the second month next succeeding their election, and continue in office thereafter two, four, and six years, respectively, from and including the first Monday in December next succeeding their election. They shall meet as soon as practicable after their election and qualification, and, at their first meeting, shall determine by lot the term of office each shall fill, and the justice drawing the shortest term shall be chief-justice, and after the expiration of his term the one having the next shortest term shall be chief-justice.

SEC. 13. All officers under the laws of the Territory of Utah, at the time this constitution shall take effect, shall continue in office until their successors are elected and qualified. The time of such election and qualification not herein otherwise provided for shall be as prescribed by law.

SEC. 14. After the admission of this State into the Union, and until the legislature shall otherwise provide, the several judges shall hold courts in their respective circuits at such times and places as they may respectively appoint; and until provisions shall be made by law for holding the terms of the supreme court, the governor shall fix the time and place of holding such court.

SEC. 15. This constitution shall be deemed ratified by the people of Utah if at any election to which it is submitted a majority of the votes cast on the question of its adoption be in the affirmative.

SEC. 16. Hons. Franklin S. Richards, Edwin G. Woolley, and William W. Riter are hereby elected delegates from this convention to proceed to Washington, D. C., and with the Hon. John T. Caine, Delegate in Congress from Utah, present this constitution to the President of the United States and to the Senate and House of Representatives in Congress assembled and urge the passage of an act of Congress admitting the State of Utah into the Union.

Done in Convention and signed by the Delegates at Salt Lake City, Territory of Utah, this seventh day of July, in the year of our Lord one thousand eight hundred and eighty-seven, and of the Independence of the United States the one hundred and eleventh.

Beaver County.—Philo T. Farnsworth, Franklin R. Clayton.

Box Elder County.—Oliver G. Snow, Richard H. Baty, William Lowe.

Cache County.—James T. Hammond, John E. Carlisle, Joseph Howell, Aaron D. Thatcher, John T. Caine, jr., Ingwald C. Thoresen, William J. Kerr.

Davis County.—Joseph Barton, David Stoker, Thomas F. Roueche.

Emery County.—Jasper Robertson.

Iron and San Juan Counties.—Robert W. Heyborne.

Juab County.—Wm. A. C. Bryan, Frederick W. Chappell.

Kane County.—James L. Bunting.

Millard County.—George Crane, Joshua Greenwood.

Morgan County.—Samuel Francis.

Piute County.—Matthew Mansfield.

Salt Lake County.—John T. Caine, James Sharp, William W. Riter, Samuel P. Teasdel, Franklin S. Richards, John Clark, Le Grand Young, Elias A. Smith, Richard Howe, Samuel Bennion, Andrew Jensen, Francis Armstrong, Junius F. Wells, John R. Winder, Feramorz Little, Lewis S. Hills.

Sanpete County.—Luther T. Tuttle, Lewis Anderson, Jens Peter Christensen, John Bartholomew, Christian N. Lund.

Sevier County.—William Henry Seegmiller, James S. Jensen, William A. Warnock.

Summit County.—Alma Eldredge, John Boyden, Ward E. Pack.

Tooele County.—Daniel B. Houtz, William G. Collett.

Utah County.—Samuel R. Thurman, Warren N. Dusenberry, Abram Noe, George Webb, John E. Booth, William Creer, Jonathan S. Page, James O. Bullock.

Wasatch and Uintah Counties.—Abram Hatch.

Washington County.—Edwin G. Woolley, Robert C. Lund.

Weber County.—Lewis W. Shurtliff, David H. Peery, Charles C. Richards, Henry H. Rolapp, Nathaniel Montgomery, George W. Bramwell, jr.

Attest:

HEBER M. WELLS, *Secretary.*

Addendum L

Hon. John T. Craine, Salt Lake Tribune (Apr. 15, 1894)

Twelve Pages.

The Salt Lake Tribune.

CUT THIS OUT.
ART GEM COUPON.

Bring or send 15 cents with the coupon to The Tribune (if by mail, 3 cents additional for postage) and you will receive the beautiful collection of art gems from World's Fair Exposition.

CUT THIS OUT.

VOL XLIII NO. 356.

SALT LAKE CITY, UTAH, SUNDAY MORNING, APRIL 15, 1894.

PRICE FIVE CENTS.

Hon. John T. Caine,

ex-Delegate to Congress (Mormon),
Democrat:

While the Republicans have more members in each House of the Assembly at the election in November, 1893, when the members were chosen, the Democrats cast the most votes by nearly two thousand. The late election, more than anything else, convinces me that Utah will continue Democratic. The explanation of the Republican majority in the Legislature is found in the fact that the Territory had been outrageously gerrymandered in the interest of another and anti-Democratic party, and when it came to the division of the voters on national party lines the gerrymander operated in the interest of the Republicans, who with a minority of the votes, secured a majority of members in the assembly.

It has been generally understood, and is an undoubted fact, that the great

majority of the older citizens of Utah, the Mormons who, as individuals, do now and for a long time will, in the very nature of things, comprise the controlling element in the political affairs of the Territory, believe in the cardinal doctrines of the Democracy, and are in sympathy with that party.

Just what effect a low tariff on wool will have on voters, wool growing being an important industry in this Territory, cannot be foretold, but from the circumstances too well known, that the price of wool has steadily declined under the influence of a high and increasing tariff, I do not apprehend a material desertion from the Democratic ranks if there shall be free trade in wool. The low price of lead during the past year closed some of our mines and had its influence at the polls in an increased Republican vote; idle miners attributing the depression in the lead market and the consequent shutting up of the mines to the Democratic threat to remove the tariff. There is, of course, nothing in such a line of reasoning, and the effects must necessarily be temporary, passing away with the return of "good times."

From a careful and reasonably intelligent survey of the political field, and basing my opinion upon a fairly good acquaintance with the people of the Territory, I think I can safely say that Utah will be a Democratic State.

JOHN T. CAINE.

Addendum M

The Utah Gerrymander, Salt Lake Herald-Republican (Apr. 2, 1892)

ONE CENT A WORD
For Want Ads.
IN THE HERALD.

THE SALT LAKE HERALD.

WANT ADS.
ONLY ONE CENT A WORD
IN THE HERALD.

TWENTY-SECOND YEAR. NO. 158.

SALT LAKE CITY, UTAH: SATURDAY, APRIL 2, 1892.

PRICE: FIVE CENTS

THE UTAH GERRYMANDER.

About once in so often THE HERALD raves at the unfairness of the commission in redistricting this territory after the last census. Over and over again the *Tribune* has shown that there never was a more honest, or a more successful effort made to do the square thing, than was done by the commissioners, and still with its old pertinacity THE HERALD returns to the subject every few months. As to following "unit boundaries," there is not the slightest ground for complaint; there never has been.—*Tribune*.

And "about once in so often THE HERALD" proposes to "rave" over this iniquity, than which there never was a more outrageous one in the history of partisan politics.

The act of Congress of March 3, 1891, imposed the duty upon the Utah commission to redistrict the territory for members of the council and house of representatives on the basis of the census of 1890, to provide "as near as may be for an equal representation of the people, excepting Indians not taxed, according to numbers and by districts as nearly compact as possible." The plain meaning of this was, after ascertaining the total population of the territory and the number of members of each House of the general assembly, to make as many districts for the Council and for the House as there were members of each—in this case twenty-four representative districts and twelve council districts, as compact and nearly equal in population as possible. Instead of this the commissioners arbitrarily settled upon seventeen representative and ten council districts. There is "not the slightest ground" to question what this was done for. It was a bald partisan motive, and related, not to the convenience of the voters, as the act of Congress intended, but to how to circumvent and harass them. Whether such an apportionment is valid or not, as to the grounds mentioned, we leave to the lawyers.

The commissioners found they were to apportion twenty-four representatives among 207,906 people, which was the census enumeration of 1890. The ratio therefore was 8,662. The first thing was to give Salt Lake city six representatives with a population that entitled it to but five. The next was to give Ogden two, whereas it lacked 2,435 of the requisite number of inhabitants. By this sort of manipulation less than 60,000 people in the two cities named have a voting strength equal to 80,000 in other portions of the territory. Parts of Salt Lake county are united with Davis and Morgan to make one district, with parts of Utah to make another, and parts of Juab and Tooele to make a third, whilst other parts make two independent districts. Utah county with 23,768 population could properly have been given three districts with nearly 8,000 people to each, instead of which a portion is saddled on to one precinct of Juab and four precincts of Sanpete. The two independent districts of Salt Lake county are based one on 9,024 population and the other 9,179, whilst the six districts of the city contain an average of 7,476. Davis and Morgan together are within 131 of the full ratio. Yet three precincts of Salt Lake county are taken off and added, making the population of the district 9,024. Whilst the average population to a district is 7,476 and 7,445 respectively in Salt Lake and Ogden, it is more than 9,000 in nine districts and more than 10,000 in five. The same proportion prevails in the council districts. An illustration is found in the fact that whilst 14,889 are enough to elect a member of the upper house in Ogden, it takes 21,030 in Wasatch, Grand, Emery, Millard and Sevier counties. Of the whole number of council districts, there are but three conforming to the rule of "unit boundaries."

THE HERALD repeats, therefore, that "nowhere in the United States has there been a more partisan and wicked violation of the principle of observing primary unit boundaries and drawing election lines than in this territory, under the Utah commission." Measured by the late decision of the Wisconsin supreme court, it would not stand a minute, and measured by any standard of fairness, not to say a decent regard for political propriety, it is worthy only of the severest reprobation. It is impossible not to believe that the apportionment was made with tables of election returns before the commissioners. The evidence of this is too plain and convincing to admit of any question whatever. No pains are taken to conceal the fact. Nor can it be supposed that the commissioners themselves are familiar enough with the voting strength of parties in the territory to have drawn the party lines in so skillful a manner. The map of Utah they constructed is a curious looking diagram of zig-zags and wonderful geometrical forms. The sight of it would have driven the original inventor and patentee of such contrivances—the Hon. ELBRIDGE GERRY, of Massachusetts—into convulsions of envy.

Addendum N

Is Ready for Statehood, Salt Lake Herald-Republican (Dec. 25, 1892)

THE SALT LAKE HERALD.

VOLUME XLVII.

SALT LAKE CITY, UTAH, SUNDAY, DECEMBER 25, 1892--SIXTEEN PAGES.

NUMBER 176

THE HERALD REACHES MORE HOMES THAN ANY OTHER SALT LAKE NEWSPAPER.

IS READY FOR STATEHOOD.

The Opinions of Prominent Salt Lake People.

NO REASON FOR DELAY.

The People Have the Value of the Liberty of Statehood.

The Puente Objections Met and Overruled by Truthful Statements of Hard, Cold Facts.

Utah is ready for statehood. It is her birthright and the number of her inhabitants and the intelligence of her people, her position and resources entitle her to every privilege and liberty and right due to a free people. She is entitled to statehood because she has outgrown that relic of colonial bondage under which petty underlings have ruled over and judged her inhabitants without their consent.

Utah is ready for statehood because her people are loyal, brave and independent, and though in the past mistrusted and thrust into bondage, now wears the signet ring of conscious sovereign power, yet to shine as the brightest gem in the galaxy of national statehood.

Utah is ready for statehood because her sons have no further use for the absolute veto of the one-man power; nor for commissioners to gerrymander her districts and supervise her elections.

Utah is ready for statehood because she demands representation, being willing and able to submit to taxation. Her grand old mountains, with their ribs of iron, hearts of silver and veins of gold, are ready for statehood. Her happy unencumbered homes, farms and fields, are ready for statehood. Her flocks and herds upon a thousand hills, are ready for statehood. Her mills and factories, her merchants and bankers, are ready for statehood. Her schools, academies, colleges and university are ready for statehood. Her students, professors and statesmen are ready for statehood. The brain and brawn and heart of her people are ready for statehood. Her honor, integrity and truth; her purity, virtue and health, the courage of her boys, the beauty of her girls, the devotion of her mothers, the manhood of her fathers, all proclaim that Utah is ready for statehood.

Division on national party lines has brought harmony out of confusion and fraternal feeling out of bitter discords. The hatreds of the past are buried; we have become homogeneous, the church does not dominate the state, the state does not trench the upon rights of the church.

With her feet planted firmly upon the constitution and laws the "bride" awaits the groom. Utah is ready for statehood.

MOSES THATCHER.

Yes; why? The territorial form of government as part of our system is temporary in character, established to maintain order and to aid young and weak communities in their early struggle to acquire and develop strength for the maintenance of free and independent states. It was never contemplated as a permanency. Justice alike to the general government and to a people under territorial rule requires the admission of a territory to the union of states, so soon as it has an intelligent and patriotic population sufficiently numerous and stable in character, with developed resources and accumulated wealth, to successfully conduct all of its own domestic affairs and contribute its due share to the administration of the general government. It cannot be truthfully denied that all of the ends of territorial government for Utah have been attained and that the territory today has every requisite for admission.

The permanent settlement of Utah began with the incoming of the Mormon pioneers in 1847, nearly forty-six years ago, and from that time until now there has been a steady growth in population, active development of resources, large accumulation of wealth and the establishment of the manifold industries and enterprises, public and private, charitable and educational, which give life and character to the state and prosperity and happiness to its people.

The federal census of 1890 gives to the territory a population of 207,905 and it has an area of 84,970 square miles. Its assessed valuation of property for 1891,

exclusive of mines not taxed, was \$121,143,048.37. The incorporated cities and towns having an assessable valuation of \$85,564,981.27. We have more than one thousand miles of railroad, three thousand miles of irrigating canals and from ten to fifteen thousand miles of wagon road. The prescribed limits to this article precludes the statistics in detail which show that all the various and diversified occupations that furnish employment and a means of livelihood to the citizens of our common country thrive and flourish in Utah, viz: Agricultural and stock raising, mining and smelting, manufacturing, merchandising, banking, etc., and that any energetic and industrious population following their chosen avocations secure a rich return for their enterprise and labor.

Certain of our citizens, while conceding that we have the necessary number of inhabitants of stable habits and character, ample wealth and development, and every material resource to assume the responsibilities of statehood, yet contend it would be unsafe to admit Utah into the union because a majority of its citizens are members of and communicants of the church of Jesus Christ of Latter-day Saints. They urge that in times past the church taught and practiced polygamy in defiance of law. That it ruled its membership with an absolute sway; claimed and exercised the right to dictate to and control their action in all temporal matters as well as in spiritual affairs. In a word, they claim that the causes of contention which divided the Mormon and non-Mormon people for so many years still exist. In support of their claim, they continually recur to the past. They ignore the brightness and promise of the present and with gloomy forebodings darken the future. We invite all to a contemplation of the truth.

The authorities of the Mormon church in the most solemn manner have authoritatively forbid the practice of polygamy and have been sustained by the Mormon people in their action. It is now an offense against the church which subjects the offender to excommunication to enter into or practice polygamy. The chief authorities of the church from the stratum and by publication over their signatures have disclaimed all right or desire to interfere or control in any manner the political action of the people. The Peoples' or church party, under the old contention, composed almost entirely of the Mormon people, has been formally dissolved by its authorities. The Mormon people, including many holding high church positions, have allied themselves with and are active participants in the Democratic and Republican parties. It is here as elsewhere in the country that those of the same religious conviction find themselves opposed to each other in political belief and action.

Is Utah ready for statehood? was answered affirmatively by the unanimous vote of the Democratic members of the committee on territories of the present House of representatives. After a full and fair hearing upon the home rule bill, the Democratic and Republican parties in convention have declared for statehood. The struggles and triumphs of the past in reclaiming the desert, opening the mines, building cities and towns, and the establishment of permanent and prosperous communities proclaim the readiness of the territory for admission to the union of states.

Utah with her great population and vast interests is not only ready for, but needs two United States senators and representation in the lower house of Congress. With past animosities forever buried, more than two hundred thousand souls with a common interest and destiny gnawedly await the deserved boon of statehood.

CALEB W. WEST

Utah is ready for statehood. She possesses all the essential qualifications. This is a fact recognized nationally. It was declared in a report by the House committee on territories of the Fifty-second Congress in the following terms: "Your committee is thoroughly satisfied of Utah's entire qualification for admission to the Union with all the powers of full statehood."

She has a population of nearly a quarter of a million; her wealth is equal to \$200,000,000; but 5 per cent. of her people are illiterate; her citizens are renowned for their industry, frugality and honesty; they are not only familiar with the constitution of our country and the laws enacted under it, but they acknowledge the supremacy of the law and yield obedience to it.

Our territory is conceded to be the home of "a typical American people, endowed with the energy and possessing the enterprise which have made her beautiful mountainous country the habitation of industry, refinement and wealth."

In my judgment there has been for years no constitutional reason for withholding statehood from Utah. But there have been objections which have proved more potent than all the constitutional requirements, and these have received such ready belief that all appeals have hitherto been ineffectual. Will it be contended that these objections still remain? Not even the hardest opponent of self-

government for Utah will say that conditions have not changed, while a large percentage of the men of influence and character, who formerly opposed admission to the Union are today foremost in contending that there no longer remains any valid reason for withholding the great boon that statehood will give to this territory.

It does not seem possible that any person who has had to meet the dictation of a governor possessing the absolute veto power, which has time and again been exercised to nullify the proper and legitimate desires of the people, or who has felt the humiliation of having elections conducted by an imported commission, a body of men wholly irresponsible to the people, can discover a reason that will justify honest and intelligent opposition to self government.

To a people that have suffered through irresponsible tyranny the promise of statehood is filled to the brim with all that liberty loving hearts hold dear and sacred in the name of freedom. That we should keep steadfastly before us the high destiny which it implies seems to me as necessary as that we should believe in the needfulness of truth and the necessity of right.

By bitter experience and the tears of decades the people of Utah have learned

community within itself the means of protecting each citizen in his inalienable rights of life, liberty and property?

Applied to Utah, these questions must be answered in the affirmative, and local self-government is a matter of right. To deny the existence of this right is to deny the equality of the rights of man; to withhold it as a matter of discretion is an act of unwarranted tyranny.

If by "un-Americanism" you mean that the people of Utah have not in your estimation the right ideas as to the functions or duties of citizens in a republic, and that this is an objection to statehood, then I reply that your objection is unworthy the consideration of broad gauged statesmen. Your objection is a denial of the equality of man before the law, and is the establishment of a governing class, whom you give the power to withhold that right from others. To say that a man shall have no voice in government only because he has, or does not have, a particular mental conviction is to muzzle truth, to shut out progress, to embrace tyranny. You cannot indict a whole community as "un-American."

The people of Utah, individually and collectively, are better qualified to assume the responsibility and perform the duties of self government than the people of most new states.



DELEGATE-ELECT JOSEPH L. RAWLINS.

the value of that higher liberty which statehood signifies, and if, after all that has been endured, we are still unprepared for admission to the union, when may we hope to possess the requisite qualifications?

F. S. RICHARDS.

It seems needless to multiply statistics to prove that Utah has the intelligence, the wealth, the population and the diversity of resources which entitle her people to statehood.

I therefore proceed to the objectors to Utah's admission. The first objection, viz: that the population of Utah is "un-American" is to say the least, very unsatisfactorily indefinite. If by this beautifully vague word, "un-American," you mean that a large part of Utah's population are only naturalized citizens and that this is an objection to statehood, then I pray you why do you not ask that, Wisconsin, Minnesota, and other northern states, or even New York City, be expelled from the Union. I insist that the right of local self-government in any community cannot be made to depend upon the accident of its inhabitants' birthplace. The right of participation in the affairs of the government under which a man makes his home is one inherent in man and not belonging to points of compass, or to climate.

When the people of any territory apply for admission into the Union, three questions, and only three, should be asked, viz: Have the people the intelligence to appreciate the liberty which belongs to them? Second—Have they the morality to prevent the wanton abuse of the liberty they demand? And third—Has the

community within itself the means of protecting each citizen in his inalienable rights of life, liberty and property?

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Pope Leo XIII said that when it is lawful in the eyes of the church to take part in public affairs, men who promise to merit well of Catholicism should be supported "and there can arise no case in which it would be permissible to prefer to them men who are hostile to religion." The Mormon people have just elected to Congress a man who may well be classed as hostile to their religion and that in spite of damnable appeals that were made to their religious prejudices by unscrupulous opponents.

In 1870 a Mormon legislature provided for the making of affirmation by witnesses. This abolished that relic of bigotry which even today obtains in some states and which requires a man to believe in an incomprehensible God or an unknown future state before he could be permitted to tell truth in courts of justice.

A recent convention of Catholics in Europe adopted resolutions demanding the restoration of temporal power of the pope in all world. Yet the Mormon church has never gone farther than to express a belief that ultimately the kingdom of God should be established upon earth, but have persistently denied that this meant that the leaders of the Mormon church were, by reason of that leadership, to be the governing power of the state.

When I remember these things, together with the constant and persistent attack that is being made upon the constitution of the United States and the liberty of Americans by such organizations as the National Reform club, the Women's Christian Temperance union and the Christian clergy generally, when they demand congressional Sunday legislation and an amendment to the constitution by which Congress will compel the use of the Bible in the public schools of a state, irrespective of the wishes of the people in that state, I cannot be but profoundly impressed with the fact that my liberties would be at least as safe, and probably far safer, in the hands of a Mormon state than in the hands of a Christian state.

It does not lie in the mouth of the Christian masses in other states to play the Pharisee and say, "I am holier than thou" to the people of Utah.

Statehood belongs to Utah as a matter of right and no just man appreciating his own liberty will deny us statehood as a matter of discretion.

A. T. SCHROEDER.

A people that will not fight for their liberties, if necessary, is unworthy of them. The worst thing that could be said of the people of Utah is that they are indifferent to statehood. No people have suffered more from a similar form of government than the people of this territory. In many ways they have been forced into familiarity with the constitution of the United States, and the forms of government existing under it.

So far as the bill of rights is concerned, they have tested it through the courts and brought about many legal interpretations of its lines. It has been a custom among a majority of the people of Utah to send abroad yearly large numbers of young men to different parts of the earth. They have become familiar with the conditions in other nations and the forms of government over the civilized globe. If there is any value in experience, they should know by this time, how liberal a form of government the United States offers those that bring themselves in subjection to its laws. That they are appreciative of this fact, cannot be denied by those having mingled with them and heard the expression of their views after they have returned from their foreign trips. The ideas imbibed by contact with other people and other forms of government, have been generally disseminated among their friends, thus enlarging the views of the young people of this territory as to the conditions outside of the United States, and begetting in them a love of the liberties guaranteed under the constitution of this country.

To say that a people reared as have been the young Mormons of Utah, are unqualified for the responsibilities of the duties of statehood, is to make an exceedingly bold declaration and one which the condi-

tions of today unqualifiedly contradict. Whatever honest doubt may have existed in the minds of many opposed to Utah's admission to statehood, and who based that opposition in the fear that the rights of suffrage and of statehood would not be exercised by the people of the territory untrammelled by religious influences, must have been dissipated by the results of the recent election in Utah. That there will always be opposition to statehood must be an accepted fact as long as there are offices that can be held by its opponents so long as statehood is withheld, notwithstanding the fact that the general tendency of the race is towards honesty in expression as well as in purpose.

There undoubtedly exists everywhere a class which subordinates all purpose to their selfish designs, and Utah is not wanting in this class. If the people of Utah are to patiently wait the consent of men who would lose their offices by the admission of Utah to statehood, we need never look for the full liberty which is guaranteed them under the constitution. Is it not the duty of every man who believes the people of Utah to be honest and capable of government, to contend for statehood manfully and at all times? If it is right that the people should have this higher liberty, it is certainly right that they should contend for it, and contend for it until the great triumph is secured. No genuine friend of Utah, who thinks more of his principle and love of right than of personal conveniences or selfish designs, will withhold his support from a statehood movement, or in any way seek to lull the people into the belief that it will come in time, and that there is no hurry for it. Certainly none can base any rational opposition to it, who favored it at a time when opposition to the statehood was all-powerful, and when the conditions were less favorable—a time when the mind of the people of the United States was in a much more antagonistic frame than it is today. The question of expense should not be considered. What we want is the right, and I believe it is right that all the people of Utah (whom I know to be honest as a class and loyal to their convictions) should be granted the fullest measure of liberty which the constitution of the United States provides. Let us have statehood. R. W. SLOAN.

Addendum O

How it Now Stands, Provo Daily Enquirer (Jan. 1, 1895)

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How it Now Stands.

The gentlemen who still seem determined to carry out Mississippi methods and Tammany tactics in Utah do certainly not realize the state of public sentiment throughout the Territory. One of the presiding judges of election of Sanpete county stopped over in this county on his way home after testifying in the contest cases before Judge Barch. The election judge has always been a staunch Democrat and a leader of the party in his precinct. He stopped in this county at the home of a Republican friend, and confessed his indignation at the frauds attempted. "They have soured me on Democracy," he said, "and the party will not get my vote again." We also have it from a reliable source that the Sanpete Democrats whom it was proposed to count in would not serve even though the first count should be reversed by a recount. Now that is the state of feeling among Mormon Democrats. They will not countenance any connivance that savors of fraud. As President George Q. Cannon tells the staff correspondent of the Chicago Inter-Ocean, "Our people are very sensitive on these questions, and the suspicion

that the Commission is trying to control the convention in order to gerrymander the State and also to put in a clause prohibiting the granting of bounties to new enterprises, will turn a great majority of the Mormons against the party responsible for such action. It is a mistake for the Democrats to put themselves in this position and under such suspicion."