UTAH'S DELEGATES TO CONGRESS, 1851-1896

by

Larry Haslam

A thesis submitted in partial fulfillment of the requirements for the degree of

MASTER OF SCIENCE

in

History

UTAH STATE UNIVERSITY
Logan, Utah

1962
PREFACE

The role of Utah's territorial delegates to Congress has proved to be most significant in the history of Utah. Due to certain circumstances Utah had a relatively long territorial history and her most effective contact with the national seat of government was the elected delegate. Each Utah delegate seemed to contribute something peculiar of his ability and labor that became significant during his tenure in office.

Of these delegates, John M. Bernhisel, William H. Hooper, George Q. Cannon, and John T. Caine have been biographed by other students of history. Of the other three, John F. Kinney, Joseph L. Rawlins, and Frank J. Cannon, there has been little written concerning their experiences and contributions as Utah's delegates to Congress. I have attempted to present their total contributions as delegates rather than a complete biography of each man.

Acknowledgment and appreciation are due to Dr. S. George Ellsworth for suggesting that I pursue a study of the Utah delegateship and for his patient and professional supervision and helpful suggestions as major professor and thesis director; and to Dr. Brigham D. Madsen, Dr. Leonard J. Arrington, and Professor Wendell B. Anderson who read the manuscript.

To Mr. William A. Lund, Assistant Church Historian, and his staff, gratitude is expressed for their leniency and direction in my research conducted at the Latter-day Saints Church Historian's Office.

A special tribute is paid to my wife, Priscilla W. Haslam, for her patience and willingness to play the part of bread-winner, and to my sister, Carol H. Lucherini, who did the typing.

Larry Haslam
# TABLE OF CONTENTS

<p>| CHAPTER | | Page |
|---------|------------------|
| PREFACE | | ii |
| INTRODUCTION | | 1 |
| I. UTAH BECOMES A TERRITORY | | 4 |
| Attempt to Gain Statehood for &quot;Deseret,&quot; 1849 | | 4 |
| Creation of the Territory of Utah, 1850 | | 9 |
| Arrival of the Federal Appointees, 1851 | | 15 |
| II. JOHN M. BERNHISEL, 1851-59 | | 21 |
| Thirty-second Congress, 1851-52 | | 24 |
| Thirty-third Congress, 1853-54 | | 41 |
| Thirty-fourth Congress, 1855-56 | | 51 |
| Thirty-fifth Congress, 1857-58 | | 55 |
| III. WILLIAM H. HOOPER, 1859-61 | | 62 |
| Thirty-sixth Congress, 1859-61 | | 63 |
| IV. JOHN M. BERNHISEL, 1861-63 | | 78 |
| Thirty-seventh Congress, 1861-63 | | 78 |
| V. JOHN F. KINNEY, 1863-65 | | 84 |
| Thirty-eighth Congress, 1863-65 | | 86 |
| VI. WILLIAM H. HOOPER, 1865-73 | | 103 |
| Thirty-ninth Congress, 1865-67 | | 103 |
| Fortieth Congress, 1867-68 | | 108 |
| Forty-first Congress, 1869-79 | | 119 |
| Forty-second Congress, 1871-72 | | 128 |
| VII. GEORGE Q. CANNON, 1872-82 | | 132 |
| Forty-third Congress, 1873-74 | | 134 |
| Forty-fourth Congress, 1875-76 | | 146 |
| Forty-fifth Congress, 1877-78 | | 152 |
| Forty-sixth Congress, 1879-80 | | 157 |
| Forty-seventh Congress, 1881-82 | | 161 |</p>
<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIII. JOHN T. CAINE, 1882-93</td>
<td>178</td>
</tr>
<tr>
<td>Forty-eighth Congress, 1883-84</td>
<td>184</td>
</tr>
<tr>
<td>Forty-ninth Congress, 1885-86</td>
<td>199</td>
</tr>
<tr>
<td>Fiftieth Congress, 1887-88</td>
<td>210</td>
</tr>
<tr>
<td>Fifty-first Congress, 1889-90</td>
<td>215</td>
</tr>
<tr>
<td>Fifty-second Congress, 1891-92</td>
<td>219</td>
</tr>
<tr>
<td>IX. JOSEPH L. RAWLINS, 1893-95</td>
<td>228</td>
</tr>
<tr>
<td>Fifty-third Congress, 1893-94</td>
<td>238</td>
</tr>
<tr>
<td>X. FRANK J. CANNON, 1895</td>
<td>256</td>
</tr>
<tr>
<td>Fifty-fourth Congress, 1895-96</td>
<td>258</td>
</tr>
<tr>
<td>XL. SUMMARY AND CONCLUSIONS.</td>
<td>266</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>273</td>
</tr>
<tr>
<td>APPENDIX</td>
<td>282</td>
</tr>
</tbody>
</table>
INTRODUCTION

Utah existed as a territory for some forty-five years, 1851-1896. During these years Utah continued to occupy an interesting and controversial position on the national scene. The fact that Utah was predominantly Mormon, and that the Mormons were unusual in their beliefs and practices, made the territory and its people a target for the law-making body of the nation as well as the general citizenry. Utah was made an integral part of the congressional discussions and debates in almost every session of Congress during the period of 1851-1896, and there were repeated attempts to punish the Mormons for their "anachronistic" practices.

The major link and contact between Utah and the national government was the territorial delegate. It was his responsibility to represent fairly the interests of Utah in Congress and attempt to present the issues in a manner that would facilitate favorable action and legislation in behalf of Utah. This delegate was a voteless agent and was virtually without power or authority at the seat of government. Nevertheless, his constituents respected and depended upon him.

To Congress the Utah delegate was the accepted representative of the strange Mormon people and was depended upon to supply the information necessary to establish a program of action either for or against Utah Territory. He was often contacted by congressmen before definite action was taken against the Utah Mormons and was usually invited to participate in committee and House debates and discussions on matters concerning Utah.
Though this delegate was to be nominated and elected by the Utah citizenry, the Mormon church exercised considerable influence in his initial selection. This would be expected inasmuch as the Mormons relied heavily on their leaders and general principles to direct their affairs in both church and state. Utah continued to be dominated by the Mormons throughout the entire territorial period. The people went to the polls and cast their votes, but the influence of the church was obviously present. However, most of the issues brought before Congress concerning Utah were peculiarities found within the Mormon religion. It seemed only natural, therefore, that Utah be represented in the halls of Congress by one who was of the dominant faith and somewhat directed by the influence of the church.

To the delegate himself, as to his constituency, the delegateship was most important. Though his rights and privileges were limited, he embarked upon his congressional duties and obligations with a full desire to do his best. This study of the congressional careers of these men indicates that each delegate dedicated himself to his position and responsibilities and usually rose to each task demanding his attention and time.

I have attempted in this study of the Utah delegates to explore their contributions and to find the real purpose, meaning, and accomplishments of the delegateship, as well as the failures and inadequacies. Many questions remain unanswered and new fields have been opened for further study. I have made no attempt to relate or compare the Utah delegateship with that of other territories of the United States, but have confined my study and research strictly to the Utah situation.

I have used original sources wherever available and obtainable. Government documents have been of great value to me as have the records
and histories of the Church of Jesus Christ of Latter-day Saints. Letters, autobiographies, biographies, and newspapers have also contributed much to this research, as have numerous secondary works. In using these sources I have tried to extract those things of direct consequence and have attempted to eliminate the voluminous and inconsequential matters of detail.
CHAPTER I

UTAH BECOMES A TERRITORY

Attempt to Gain Statehood for "Deseret," 1849

For the first year and a half in the Great Basin the governmental needs of the Utah pioneers were adequately met by their church organization. This proved satisfactory as long as practically all of the people were Mormons. Gradually, however, Gentiles (non-Mormons) began to settle in Utah. It became obvious that the influx of Gentiles would increase, as Utah had become a part of the United States by the signing of the treaty of Guadalupe Hidalgo in 1848.

It seemed necessary, especially to the Gentiles, to provide a form of government that would prove satisfactory to both Mormons and non-Mormons, and, at the same time, one that would be acknowledged and recognized by the government of the United States. With this objective in mind the founders of Utah set about to establish such a government.

On February 1, 1849, Brigham Young issued a call for a convention to meet in Salt Lake City to consider the political needs of the people. A considerable number of the inhabitants responded to the call and assembled at Salt Lake early in March, 1849. The members of the convention decided to petition Congress for statehood and to organize, pending congressional action upon the petition, a provisional government.

The name chosen for the new state was "Deseret," a term used in the Book of Mormon, meaning honeybee. To the pioneers, this name was expressive of their industry and cooperative efforts to reclaim the desert and build a new state.¹

¹Congress gave the name Utah to the region when it was organized as a territory in 1850. This name came from one of the leading Indian tribes of the area, which was called Ute, Butaw, Yuta, or Uta. The name meant upper people or hill dwellers.
A committee was appointed to draft a constitution for the "temporary State of Deseret." The report of the committee was considered and studied by the convention for three days and was finally adopted.¹

The boundary lines of Deseret, as outlined by the constitution, enclosed an exceedingly extensive territory. Deseret was bounded on the south by Mexico, on the west by the Pacific coast and the Sierra Nevada, on the north by the Oregon Territory, and on the east by the Rocky Mountains. The short coastal strip provided two good seaports, San Pedro and San Diego.

In accordance with the provisions of the constitution, elections were held to ratify the constitution and to elect officers. Apostles William W. Phelps, Amasa M. Lyman, John Taylor, Parley P. Pratt, and Jedediah M. Grant were appointed a committee "to fill out a ticket for the ensuing election."² Needless to say, Brigham Young was elected their governor. The majority of the officers elected to preside over the proposed State of Deseret were selected from among the high Mormon church officials.

Although the Utah pioneers had established a civil government, in actual practice they were still being governed by the church officials. There was such an intimate blending of church and state that it was difficult to distinguish in which capacity the official was acting—whether in his civil or church office.

It was expected that a fusion of church and state would continue as long as most of the people in Utah were of one religious faith. The

¹A brief history of the State of Deseret and its organization and function can be found in Dale Morgan, "The State of Deseret," Utah State Historical Quarterly, VIII (April, July, October, 1940), 65-239.

²Ibid., 85.
citizens looked to their church leaders, who had successfully led them in all other affairs, to guide them in politics and government. This was the beginning of a stir among the Utah Gentiles who began to insist upon certain rights, guaranteed them by the United States Constitution.

The convention which met to formulate the constitution for the State of Deseret sent a memorial to Congress asking for admission into the Union as a state.

As if mistrustful of their application for a sovereign state government and admission into the Union being favorably received, a petition was circulated in April of 1849, asking for a territorial form of government. Brigham Young records the fact that he signed this second memorial on the 30th of that month, and that it bore the signatures of 2,270 others.¹ The boundaries of the territory to be included within the jurisdiction of the civil government to be created, practically followed those of the proposed State of Deseret. It did, however, in certain places extend to more definite lines.²

Dr. John M. Bernhisel was given the mission of taking this second memorial to Washington, there to make application for a territorial government. He was also instructed by the church officials to call upon Colonel Thomas L. Kane and confer with him about the matter and was given a letter of introduction to Senator Stephen A. Douglas (D-Ill.) whose aid the people of Deseret solicited, in the name of past friendship for the Saints. Bernhisel left on his mission to Washington on the 4th of May, 1849.


²This more especially on the east and the north; the boundaries were to include all lands "lying between Oregon and Mexico, and between the Sierra Nevada and the 27th degree of west longitude." (Ibid., 72)
Before presenting the petition to Congress, Bernhisel visited Thomas L. Kane, who was a trusted friend of the Utah colonists as well as a wise and just political adviser. The Colonel strongly advised against presenting the petition for a territorial form of government, on the ground that the Utah people would be better off without any government than with a territorial government, unless they could at least obtain assurances that the officers would be appointed from residents of the territory.¹

The advice of Kane deterred Bernhisel from taking any steps to present to Congress the petition for a territorial government. Instead, he became earnestly active in presenting the cause of the State of Deseret to members of both the House and the Senate of the national Congress.

In the meantime Almon W. Babbitt had been elected "delegate and representative to Congress" from the provisional State of Deseret.² He was sent to Washington with a copy of the constitution of the proposed State of Deseret and a memorial asking for admission into the Union. Babbitt arrived in Washington in due time, but Congress appeared reluctant to admit Deseret into the Union of states. Senator Douglas presented the memorial and the constitution to the Senate on December 27, 1849, describing it as an application for admission as a state, with the alternative of admission as a territory, if Congress should so direct; and moved that the memorial and the constitution be printed and referred to the Committee on Territories.³ The same documents were introduced into the House by

¹Roberts, op.cit., III, 432.
³Congressional Globe, 31st Congress, 1st Session, 86.
Linn Boyd (D-Ky.) together with the credentials of Babbitt asking that he be given a seat in that body.¹

The question of admitting Babbitt as a delegate from the proposed State of Deseret was referred to the House Committee on Elections, which, after much debating, adopted a resolution stating "that it is inexpedient to admit Almon W. Babbitt, Esq., to a seat in this body as a delegate from the alleged state of Deseret."² The resolution was adopted by a vote of 104 to 78.³

About the time the memorial and constitution were being presented in the Senate by Douglas, an anti-Mormon memorial was presented to the same body by Senator Joseph R. Underwood (D-Ky.). This memorial, which was signed by William Smith, Isaac Sheen, and twelve others, represented that the persons named were the legitimate presidents of the Church of Jesus Christ of Latter-day Saints.⁴ It also asserted that fifteen hundred Mormons, prior to the exodus from Nauvoo, had sworn a sacred oath of hostility to the United States government, and to avenge the blood of the Prophet Joseph Smith upon this nation. William Smith was the Prophet's brother, who had been excommunicated from the Mormon church.

¹Ibid., 229.

²Ibid., 1413. For the debates on this whole question see Congressional Globe, 31st Congress, 1st Session, 1413-23. An effort was later made to secure Babbitt's admission on the same credentials after Congress had passed the Organic Act (September 9, 1850) creating the Territory of Utah, and fixing its boundaries, but this, too, failed; though an appropriation was made by Congress allowing him the same for mileage that was allowed the delegate from Oregon--$2,460. Congressional Globe, 31st Congress, 1st Session, 1779. Deseret News, November 25, 1850.

³Congressional Globe, 31st Congress, 1st Session, 1413.

⁴Ibid., 92.
at Nauvoo.

To what extent Congress was influenced by the Smith-Sheen memorial is difficult to discern. It was probably not the sole nor even the main reason why the House of Representatives declined, as it did, to admit Babbitt to a seat in that body.¹

Acting upon the advice of Colonel Kane, the General Assembly of Deseret passed a series of resolutions to the effect that their agent, Dr. Bernhisel, and their delegate, Babbitt, be instructed to withdraw all petitions, memorials, and applications to Congress for a territorial government. They were further instructed to use all proper means to procure an early admission of the State of Deseret under the constitution presented. They felt that it would be far better for the people of Deseret to remain as they were, until Congress should see proper to admit them as a state, than to accept a territorial form of government.²

Creation of the Territory of Utah, 1850

The effort to obtain a state rather than a territorial government came too late, even if it could have influenced the action of the national Congress. The resolutions of Deseret's general assembly were passed on the 11th of September; the act creating a territorial government for Utah became a law on the 9th of the same month in 1850. The problem of what to do with Utah was solved by Congress at this time in connection with several

¹In a letter from Isaac Sheen to Bernhisel, the former apologized for his action and for his name appearing in such a memorial. He claimed that he had been deceived by William Smith and had been prodded into affixing his signature to the memorial under false pretenses. He asked that he be released from the false charges stipulated in the memorial against the "Deseret Mormons." (Letter from Isaac Sheen to John M. Bernhisel, copied in "Journal History," entry for May 26, 1850.)

²Deseret News, September 21, 1850. The resolutions are there given at length. The influence of Colonel Kane's suggestions are discernible throughout.
other troublesome matters. Senator Henry Clay (Whig-Ky.) was made chairman of a committee to devise a scheme of compromise for all the territory recently acquired from Mexico. The recommendations of the committee were incorporated in the Omnibus Bill, which proposed the establishment of the Territory of Utah, and a provision to give statehood to California.¹

The bill passed the Senate on September 7, 1850. Two days later it passed the House and was approved by President Millard Fillmore.²

By the terms of the Organic Act, Utah's boundaries were definitely set. The Oregon line along the 42nd parallel was made the northern boundary. Part of the south half of Deseret was given to New Mexico and California. This resulted from the fact that the southern boundary was the 37th parallel of north latitude, the present Arizona state line. Otherwise the territory stretched from the Sierra Nevada Mountains to the summits of the Rockies.

The most serious loss sustained by the settlers of the Great Basin through this change in boundary lines, was that of the strip of sea-coast lying at the lower end of California. This took in the port of San Diego, and would have given the people of Utah open communication with the Pacific Ocean; thereby greatly facilitating their commerce and immigration. Though somewhat chagrined at this event, and by what they deemed the partiality of Congress toward the people of California, the Utah inhabitants had finally been granted a form of government that was officially recognized by the national government.

The Utah pioneers were now hemmed in between two great mountain

¹Morgan, op. cit., 122-23.

²Copies of the act will be found in U.S. Public Laws, 31st Congress, 1st Session, 453-58; Deseret News, December 30, 1850.
walls--the Rockies and the Sierra Nevada--in that portion of the desert which, as Senator Seddon of Virginia remarked, "had been abandoned to the Mormons for its worthlessness."¹

Shortly after the formulation of the Organic Act, President Fillmore, with the advice and consent of the Senate, appointed a full set of territorial officers. They included: **Governor**, Brigham Young, of Utah; **Secretary**, Broughton D. Harris, of Vermont; **Chief Justice**, Joseph Buffington, of Pennsylvania, (he refused to serve so Lemuel H. Brandebury of Pennsylvania was later appointed); **Associate Justices**, Perry E. Brocchus, of Alabama; Zerubbabel Snow, of Ohio, a Mormon; **United States Attorney**, Seth M. Blair, of Utah; **United States Marshal**, Joseph L. Heywood, of Utah.²

The church leaders had repeatedly expressed their willingness to accept a territorial government. But the territorial government they envisaged was always a "territorial government of our own," that is, officered by men from their own community. When the creation of the Territory became a reality the agent of the colonists, Dr. Bernhisel, and their political friends in Washington, did what they could to secure the appointment of men resident in the territory.

The Chief Executive, however, saw fit to mix the appointments for

---


Utah.\textsuperscript{1} He did recognize the founders of the commonwealth and selected four of the seven officials from among the Mormon people. This act of courtesy won for the President the sincere and lasting gratitude of the citizens of Utah. It was for this that they gave his name to Fillmore, the first capital of the Territory, and his surname, Millard, to the county in which that town is situated.\textsuperscript{2}

The news of the creation of Utah Territory did not reach Salt Lake City until January, 1851. Even then it did not come directly, or officially. Having been published in eastern newspapers and carried in the mails to California, along with the announcement of the admission of that state into the Union, it was heard by certain Mormons who were then west of the Sierra, and they brought the news to Salt Lake City.

This news accompanied the rumor that Brigham Young had been appointed governor of the newly-created territory. Deeming the news of his appointment reliable, though not officially notified of the fact, President Young at once took the oath of office and entered upon the discharge of his duties as governor of Utah.

One more official session of the provisional government of the State of Deseret was held after word was received that Deseret had become the Territory of Utah. At this session Governor Young, in addressing the General Assembly on March 26, 1851, proposed that the change be made

\textsuperscript{1}In a letter which informed Governor Young of the failure of the appointment of the above list of territorial officers, Dr. Bernhisel said: "I greatly regret that all of the officers were not appointed from among our number. At my first interview with the President in relation to the appointees he promised he would not appoint any man who was not friendly toward our people ... . I am gratified to be able to inform you that the President has evinced the most liberal and friendly feelings toward our people." "Journal History," entry for September 18, 1851.

\textsuperscript{2}Whitney, \textit{op. cit.}, I, 451.
from the provisional government to that of the territorial as speedily as possible. Two days later the following resolution was adopted by the Utah founders:

That we cheerfully and cordially accept the legislation of Congress in the Act to establish a Territorial Government for Utah. That we welcome the Constitution of the United States—the legacy of our fathers—over this Territory. . . . That we fix upon Saturday, the 5th day of April next, for the adjustment and final dissolving of the General Assembly of the State of Deseret. 1

It would normally be expected that with the formal translation of the State of Deseret into a territorial government, the history of Deseret should naturally come to a close. On the contrary, research has plainly indicated that Deseret continued to have an influential existence in Utah for an additional several years.

On the 5th of April, 1852, Deseret merged into Utah officially, but the State organization was continued and exists today as much as ever it did. Nominally the civil authority is Utah; de facto, it is Deseret. The Government pays the Territorial legislators their per diem for making the laws of Utah and hands them their mileage at the end of the session. On the day succeeding the close, Brigham as governor of Deseret, convenes them as a State legislature, reads his message to them, and some one proposes that the laws of the legislature of Utah be adopted by the State of Deseret. In this manner, Brigham is continued governor de facto and hence the tenacity with which the name of "Deseret" is preserved. 2

It is quite generally known that the State of Deseret and its legislative system continued to function as an organization for an additional twenty years (1870). The constant aim of Deseret was to create a nationally sanctioned system of government under which the inhabitants could govern themselves. With this aim in mind, the Deseret legislature continued to meet regularly for the purpose of

memorializing Congress for authorization to hold a constitutional 
convention and to be granted statehood. Brigham Young was the governor 
of this de facto government and consistently delivered his annual 
"governor's message" to the legislature.

The General Assembly of the State of Deseret met annually from 1862 
to 1870 to pass laws and memorialize Congress for statehood.¹

The ninth and final session of this extraordinary "ghost government" 
of Deseret occurred on February 21, 1870. After 1870, the prestige of 
Deseret faded fast, particularly as more non-Mormons were taking active 
interest in gaining a state government. Even the word Deseret began to 
lose its influence and attractiveness to Mormons as well as non-Mormons. 
After 1872 the word Utah began to take on new meaning and sentiment 
among the Utah citizens and by 1882 it had been officially accepted by 
a vote of the constitutional convention.² Little mention is made of 
Deseret after this date.

A most important part of the de facto government of Deseret was the 
Council of Fifty. This Council, made up of approximately fifty men who 
were both Mormon and non-Mormon, but who were willing to recognize the 
leadership of the Mormon priesthood through the Council, was first 
organized in Nauvoo, Illinois, on March 11, 1844.³ It is certain from 
the available evidence that it was this body that formulated policies 
and handled relations with the federal government. It was not the 
purpose of this Council to direct the organization nor the activities

¹Morgan, op. cit., 133-49.
²Deseret News, April 26, 1882.
³James R. Clark, "Church and State Relationships in Education in 
Utah," (unpublished doctorate dissertation, Utah State University, 
Logan, Utah, 1958), 61.
of the Mormon church, but to direct the temporal affairs of both the members and the non-members of the church. A study of the membership rolls of this Council would indicate a close parallel between the Council of Fifty and the officers of the State of Deseret.\(^1\) The de facto government continued to encourage the activities of the Council of Fifty and it was under its jurisdiction that petitions and resolutions were prepared and presented to Congress.

The Council of Fifty continued to wield influence in Utah during the entire territorial period. Inasmuch as most of Utah's Delegates to Congress were members of the Council,\(^2\) it is quite safe to assume that their nominations were the results of the Council's decisions and influence.

**Arrival of the Federal Appointees, 1851**

Due to poor traveling conditions and personal commitments, some of the federal appointed officers arrived in Utah on different dates. Chief Justice Brandebury, on the 7th of June; Judge Snow, Secretary Harris, Stephen B. Rose, and Henry R. Day, the last two the sub-Indian agents for the territory, on the 19th of July, 1851; and Judge Drocchus on the 17th of August.\(^3\) With the officers who arrived on the 19th of July came also Almon W. Babbitt, who had been entrusted with $20,000 appropriated by Congress for the erection of suitable public buildings at the seat of the territorial government; and Dr. Bernhisel, who had been appointed by President Fillmore to purchase a library for Utah, for which purpose Congress had

---

\(^1\)Ibid., 72-9.

\(^2\)Ibid., 78.

\(^3\)Roberts, *op. cit.*, III, 502-503.
appropriated $5,000. Secretary Harris also brought with him the $24,000 Congress had appropriated for the expenses of the legislature.\(^1\) The new-comers were all given a cordial welcome.

According to Mormon writers these "foreign" appointees were rarely men of high character.\(^2\) This may be determined to some extent by the fact that these men accepted these offices in spite of knowing it would bring them into antagonistic relations with the people among whom they must live, and that they would certainly be regarded as intruders. And this thankless position they were willing to assume for a meager salary.\(^3\)

Among these "foreign" appointees were adventurers who sought these appointments, not so much to serve the people among whom they were sent, but to make their appointment a stepping stone to some personal advantage. Others came for mere love of novelty and adventure. Others, still, in the hope that the climate might either check failing health, or restore it. Some were worn-out politicians who accepted the appointment as the last reward for political party service. Others came with the idea that there was a mission attachment to their office by which they were authorized to engage in a crusade against the religion and the church of the Utah people. B. H. Roberts says that "there were honorable exceptions to this classification of the Utah 'foreign' appointees, though it must be said in candor, that the exceptions were rare."\(^4\)

\(^1\)Ibid., 503.


\(^3\)Organic Act of Utah, Section 11.

\(^4\)Roberts, op. cit., III, 516. It must be emphasized that B. H. Roberts was writing the "official" Latter-day Saint history.
Little or nothing is known of Chief Justice Brandebury except that he seems to have been the pupil and protege of a Pennsylvania county lawyer, whose political influence, being a Whig, was sufficient with the administration to secure his pupil the appointment to the office of Chief Justice. In Utah the Chief Justice was known for his unsocial habits, and slovenliness in dress. He was often referred to as "the great unwashed."1

Judge Brocchus is spoken of by Bancroft as a "vain and ambitious man, full of self-importance, fond of intrigue, corrupt, revengeful, hypocritical."2 He represented the class who came to seek political preferment, being ambitious to be elected delegate to Congress from the territory. He learned, however, a few days before reaching Salt Lake City, that the election for delegate had already taken place and that the people of Utah had elected John M. Bernhisel to that office.3

Secretary Harris is described as "a smart youngster from a Vermont printing office."4 He was of the class, mentioned earlier, that conceived a mission attachment to his territorial office appointment. Harris, soon after his arrival in Utah, informed Governor Young "that he had private instructions designed for no eye but his own, to watch every movement and not pay out any funds unless the same should be strictly legal, according to his own judgment."5

---

1 Idem.

2 Hubert H. Bancroft, History of Utah, 1540-1886, (San Francisco, California, 1889), 456.

3 See Chapter 2.

4 Roberts, op. cit., III, 516.

5 Congressional Globe, 31st Congress, 1st session, Appendix, 92.
With the creation of a territorial form of government, Utah was destined to embark upon a series of experiences in politics that were to prove both trying and frustrating to her people. She became one of the more controversial issues before Congress in almost every session for a half-century. During this "stormy" period of time the role played by Utah's territorial delegates to Congress is both interesting and important. They were instrumental in combating, changing, defeating, and enduring the attitudes of the American people and the decisions of the United States Congress.

Under the Organic Act of 1850, the people of Utah were entitled to elect a delegate to Congress to represent their interests in that national body. Section 13 of that act reads in part:

And be it further enacted; That a Delegate to the House of Representatives of the United States to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives.1

Though this delegate did not have the right to vote in the national Congress, he occupied a seat in the House of Representatives, and appeared before committees to enlighten and influence their action pertaining to home situations. He had the privilege of introducing bills, resolutions, and memorials conducive to the welfare of his constituents and enjoyed the right to participate in all discussions and debates on issues or impending legislation directly or indirectly touching his territorial unit.2

1 Organic Act of Utah, Section 13.
Earl S. Pomeroy, in his book *The Territories and the United States*, says the following in connection with the delegate and his rights and privileges:

The territorial delegate increased in stature appreciably between 1861 and 1890. Without the formal powers of a congressman, he acquired more of a congressman's influence and general functions. He was disseminator of information, lobbyist, agent of territorial officers, of the territorial legislature, and of his constituency, self-constituted dispenser of patronage. He interceded at times in almost every process of control over the territories, and generally no one challenged his right to intercede.¹

On the floor of the House delegates could speak and did speak on all types of business. There are few evidences that their arguments on large questions of policy were of much weight against a prevailing indifference in congressional opinion. They were concerned more successfully with matter of detail, administrative rather than legislative.

Once their influence was on the way to becoming extensive, delegates could add to it by making judicious concessions to politicians of higher rank. They could not trade in votes, for they had none of their own, and none to promise while statehood was only a possibility, but they could allot their crumbs of patronage. Territorial votes at national nominating conventions occasionally were important, and may have been worth concessions to territorial opinion as represented through the delegate.

¹Pomeroy, *op. cit.*, 80.
Perhaps the delegate was important to his constituency because they did not know how unimportant he was. Certainly he had no powers and few privileges by statute; if there was proof that he had influence in a particular case, it was likely to be the influence of the lobbyist or former congressman. Appointed officers, often negligent or neglected as links in the federal connection, were supplanted in some degree by this voteless agent.1

Of particular importance was the function of delegate in the annals of Utah history, owing to the long perpetuation therein of the colonial system and the points of friction that arose.

Seven men represented the interests of Utah in the halls of Congress during the span of some forty-five years that she was regulated by a territorial form of government. These men were representative of several different walks of life in that they were from the business, legal, medical, political, church, and educational professions. The welfare and progress of their constituents were usually uppermost in their minds and they labored patiently and tirelessly to present to the national Congress a favorable and acceptable case for Utah.

Each delegate encountered specific problems that were peculiar to his particular time in Congress and in most cases he rose to the task before him and handled it with marked ability and a combative spirit.

We might ask: How effective were the Utah Delegates to Congress at Washington concerning the Utah question? This can only be seen through thorough and comprehensive study of the part played by each delegate and it is with this question in mind that the remaining chapters are presented.

1Ibid., 88-90.
CHAPTER II

JOHN M. BERNHISEL, 1851-1859

Of impressive appearance, and elegant address, courteous and dignified in demeanor, he could not fail to make a favorable impression ... he was the handsomest man in the Congress of the United States. He was universally respected and esteemed. His modesty, amiability and politeness disarmed opposition, and his great influence and friendly relations with powerful Senators and Representatives enabled him to secure benefits that might otherwise have been denied to the unpopular people of Utah ... When not upon the floor of the House, or elsewhere watching over the interests of his constituents, he could be found in the recesses of the library, quietly seeking information and adding to his store of knowledge.

Thus was the word portrait created by Orson F. Whitney of Utah's first territorial delegate to Congress. John M. Bernhisel was born to Samuel and Susannah Bower Bernhisel near Lloyesville, Perry county, Pennsylvania, June 23, 1799. His father was a well-to-do farmer, but John found it necessary to leave home at the age of fifteen for the purpose of attending school. He later entered the medical department of the University of Pennsylvania, from which he graduated at the age of twenty-eight. Upon graduation, he established for himself a fairly lucrative medical practice in New York, where he came in contact with and was converted to the Church of Jesus Christ of Latter-day Saints.

1Biographical and other important material on John M. Bernhisel is available in the following: Orson F. Whitney, History of Utah, (Salt Lake City: George Q. Cannon & Sons, 1904), IV, 663-66; at the time of his death, the Salt Lake City newspapers printed short biographies in connection with obituaries, see Deseret News, September 29, 1881, and Salt Lake Tribune, September 29, 1881; Robert H. Sylvester, "Dr. John Milton Bernhisel; Utah's First Delegate to Congress." (unpublished Master's thesis, University of Utah, Salt Lake City, Utah, 1947).


3Ibid., 664.
In 1842 he moved to Nauvoo, Illinois, where the Prophet Joseph Smith soon took a liking to him and made him a member of the Smith private family. Upon the exodus of the Saints from Nauvoo, Dr. Bernhisel proceeded to Winter Quarters, and finally, in 1848, he came to Salt Lake Valley in Heber C. Kimball's company.

The doctor grew in prominence and esteem and was privileged to participate in political activities early in the history of Utah. He was chosen as the Mormon agent to take a memorial to Washington asking for a territorial government.\(^1\) He left Salt Lake City for Washington on the 4th of May, 1849. A few weeks later the colonists of Utah changed their minds about a territorial government and decided to present their case before Congress in an attempt to gain statehood for their "tamed desert." Their efforts were all in vain, however, as Congress passed the Organic Act of 1850 creating the Territory of Utah.\(^2\)

Early in the spring of 1850, while Bernhisel was laboring in behalf of the interests of Utah, the possibilities of passage of an act to create the Territory of Utah became more obvious with each week. Recognizing this fact, Dr. Bernhisel wrote a letter to Brigham Young expressing his deep concern regarding the appointment of federal officers for Utah:

\[
\text{I was apprehensive that if we got but an ordinary territorial organization the President would not nominate to the Senate such persons as we should select ... if some broken-down politicians or persons who would not be acceptable to us, should be sent out to rule over us ... our condition would not be much improved ... . In conclusion ... unless we could get a government which would authorize us to elect}
\]

\(^1\)Brigham H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, III, 430.

\(^2\)Chapter 1.
our own officers, I believed that you and the people in the Valley would rather continue our provisional government ...

Let me entreat and implore you and our friends in the Valley to continue to treat the California immigrants and others with the same kindness and hospitality with which you and they treated them last year. The many flattering letters they wrote to their friends, and the press exerted a most salutary influence upon the public mind. 1

Upon the passage of the Organic Act, Bernhisel penned another letter to Brigham Young expressing his mixed feelings concerning the national action. He stated that he had preferred the name of "Deseret" to Utah, and had endeavored to have it retained, but had failed to accomplish this desirable object. He explained to the church president that it was his belief that had it been thought that slavery existed, or would have ever been tolerated in Utah, the bill never would have passed the House. The Utah delegate mentioned that he had obtained an interview with the President in relation to the future territorial appointees for Utah. Bernhisel was convinced that Brigham Young would be appointed governor. 2

It was during this period of time while Utah was a major issue on the floor of Congress that Bernhisel was appointed by President Fillmore to select the books for a territorial library for Utah. 3 Congress appropriated $5,000 for this purpose and Bernhisel traveled to New York to make some of the selections and issued a circular, soliciting editors and publishers of newspapers, magazines, pamphlets and books, to forward a copy of their productions to Great Salt Lake City, for the benefit of the Utah library. Only a short time elapsed

---

1 "Journal History," entry for March 27, 1850.
2 Ibid., entry for September 12, 1850. This was a typed copy of a letter from Bernhisel to Brigham Young, September 12, 1850.
3 Ibid., April 7, 1851.
before they began to respond by sending their publications, much to the interest of the Utah citizens. Bernhisel was always interested in more and better libraries for his constituency and worked repeatedly for more appropriations for this purpose.

Thirty-Second Congress, 1851-52

Election of 1851. One of the first actions taken by Brigham Young as governor of the territory was the issuance of a proclamation calling for a territorial election of a delegate to Congress to take place on the first Monday of August, 1851. In January of 1853 the Legislative Assembly of Utah passed an act stipulating that this election was to be conducted during the odd years on the first Monday of August.\(^1\) This was the policy followed in Utah until 1876.\(^2\) The procedure in connection with this election and the nomination of the candidate is both significant and interesting. Inasmuch as Bernhisel, as were most of the other delegates, was a member of the Council of Fifty,\(^3\) we are assured that his nomination and selection to the office of territorial delegate had been promoted by this Council.

Apostles and other high church officials were instructed by the First Presidency to fill out an election ticket that would be suitable.\(^4\)

---

\(^1\)&lsquo;Acts, Resolutions, and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah. Published 1855, Salt Lake City, Utah (1850-1855) 83.&rsquo;

\(^2\)&lsquo;Ibid., 86. From February 18, 1876, the election for Delegate to Congress was conducted on the Tuesday next after the first Monday in November and every second year thereafter.&rsquo;

\(^3\)&lsquo;James R. Clark, "Church and State Relationships in Education in Utah" (unpublished doctorate dissertation, Utah State University, Logan, Utah, 1958), 78.

\(^4\)&lsquo;Dale Morgan, "The State of Deseret," Utah State Historical Quarterly, VIII (April, July, October, 1940), 85.'
Accordingly, on the 4th of August, 1851, Dr. John M. Bernhisel was unanimously elected Utah's first delegate to Congress. There was, of course, no competition or opposition, consequently, when the returns from the various precincts were in, the results showed the number of votes cast at this election to be 1259 for Bernhisel. Bernhisel was the best choice for that office because of his earlier successes in the national body during the previous two years. Orson F. Whitney hailed Bernhisel by stating that "the selection of such a person for such a place was most appropriate. The Doctor was not only a man of culture, thoroughly versed in political economy, but was well and favorably known at the seat of government." In politics he was a Whig, but at the time of his election he represented no political party. The new delegate left Utah immediately and after a journey of some three months arrived in Washington in time for the first session of the Thirty-second Congress.

The Brochus incident. The first problem that Dr. Bernhisel encountered at the Capital was the Brochus incident. Perry E. Brochus, a Gentile from Alabama, had been appointed by President Fillmore to be Associate Justice of the Territory of Utah. The judge was hardly satisfied with the conditions in Utah and within a very short time after his arrival in the desert, he announced his intention of returning to the East. Not content to hold the problem to the minimum, he soon implicated other federal officers and succeeded in planting in the minds of the Chief Justice and Secretary the same desire to forsake their

---

1 Congressional Globe, 32nd Congress, 1st Session, 353.
2 Whitney, op. cit., IV, 665.
3 Refer to Chapter 1.
appointed office in Utah.

Among the many complaints made by the trio was that of the inadequacy of their meager salaries. The citizens of Utah temporarily responded in favor of the Gentiles by sending to Congress a petition asking for an increase in the salaries of the three men; but to no avail. After a series of misunderstandings that led to some harsh words between Judge Brocchus and Brigham Young, Brocchus, Brandebury, Harris and Day, a sub-Indian agent, took their departure for the eastern states on the 28th of September, 1851. They took with them the $24,000 appropriated by Congress for the expenses of the Territorial Legislature, the great seal of the Territory, and some other documents and records of the Territory.

On reaching Washington, Judge Brocchus and his colleagues rendered a report to the government in which they alleged that they had been compelled to leave Utah on account of the lawless acts and seditious tendencies of Brigham Young and the majority of the residents. They further claimed that the Mormon church overshadowed and controlled the opinions, actions, property and lives of its members,—disposing of the public lands on its own terms, coining and issuing money at will (this was being done everywhere and was legal), openly sanctioning polygamy, exacting tithes from members and onerous taxes from non-members, penetrating and supervising social and business circles, and requiring implicit obedience to the council of the church as a duty paramount to all the obligations of morality, society, allegiance and law.¹

This colorful account of conditions in Utah received widespread

¹Their official report will be found in U.S. Congress, House of Representatives, House Executive Documents, 32nd Congress, 1st Session No. 25, serial 638.
publicity through the press. Washington was agog with interest and concern. Eastern newspapers were quick to pick up this incident and publish vicious attacks against the Mormons and Brigham Young. The uncertainty of the effect that this episode would have on the future of Utah gave the Mormons great cause for concern. It became a topic for discussion and wonderment throughout the American nation. Dr. Bernhisel wrote to Willard Richards concerning the possible effect that the matter might have on Utah as follows:

The excitement here in relation to the Utah difficulties is intense, and it is with deep regret that I inform you that it is considered a settled matter that Governor Young is to be removed, and the appropriation immediately to be paid over to his successor. General Doniphan, of Missouri, is spoken of as the successor, and a military force is to be stationed in our Territory to enforce the laws. ¹

The delegate from Utah "was deep in the confidence and high in the esteem of President Fillmore." ² Letters between the two tend to indicate that the President gave much weight to the reports of Bernhisel. Furthermore, the delegate had left the Territory just a few days before, therefore his reports were those of an eyewitness. He painstakingly attempted to explain to the Chief Executive the true situation in Utah.

Dr. Bernhisel, in a letter to the President, related how the appointed officials of the Territory (Brocchus, Brandebury, and Harris) were "respectfully and hospitably received." ³ He said also that, though

¹Letter from Bernhisel to Willard Richards, December 24, 1852, copied in Andrew L. Neff, History of Utah, 1847-1869, ed. Leland H. Creer (Salt Lake City, Utah: Deseret News Press, 1940), 175.
²Idem.
³Congressional Globe, 32nd Congress, 1st Session, Appendix, 85-90.
they (the officials) were pleased to discover the comforts the territory had to offer, the "California" prices were beyond their salary. Consequently, Bernhisel was chosen by the residents of Utah to take a petition to the President asking a raise in salary to equal the high cost of living in Utah.

The reports of the "run-away" officials turned into the State Department were so extensive that they fill five double pages of the Congressional Globe for January 9, 1852. Bernhisel had anxiously awaited the filing of the official reports with the State Department, so that he might take more direct action in refutation of them. The Doctor wrote the President requesting information as to when the official reports were turned into the State Department. The fact that the delegate had the full cooperation of the President and Secretary of State is evidenced in this letter written by Bernhisel shortly after he first learned that the reports were at the Department of State:

United States Hotel
Washington, December 30, 1851

To the President of the United States:
Sir: ... on Wednesday evening, the 24th inst. I received a note from the honorable Daniel Webster, Secretary of State, informing me that the charges of the returned officers ... were on file in the Department of State .... I cannot of course be expected now to make an elaborate reply to them. Nor, indeed, could I feel myself authorized under any circumstances to enter into, countenance, or admit any official discussion of either the religious faith or moral habits of the people of Utah. But as to so much of the charges of the late officers of that Territory, against the Governor and council thereof, as can be a matter of public concern, I shall esteem it my duty at the earliest moment, to ask for them the closest scrutiny of a congressional committee ....

With sentiments of great respect, I have the honor to be your obedient servant,

John M. Bernhisel
Delegate from Utah

---

\(^1\)Congressional Globe, 32nd Congress, 1st Session, Appendix, 90.
Judge Brocchus, upon his return to the capital city, wrote a letter to the press of that city declaring the Mormons, especially Brigham Young, guilty of crimes against the federal government. The letter had made an issue of a purported speech made by Brigham Young at a special celebration in Utah on July 24, 1851. President Young had supposedly said something derogatory to Zachary Taylor's memory, whom Brocchus revered. In refutation of this Bernhisel wrote President Fillmore and insisted that Brocchus was in error. The delegate stated that Brocchus was not present at the 24th of July celebration, at which Brigham Young was supposed to have made his derogatory statements. He reminded the President that Brocchus had not arrived in Utah until the 17th of August, some three weeks after the alleged speech of Brigham Young. Bernhisel made it quite plain that he was present at the celebration and that he had not heard Young make any reflections injurious to the public service or private character of the late President Taylor.¹

The press report which Brocchus had submitted also made much ado over an allegation that Brigham Young had spoken bitterly of the Mormon Battalion incident.² He asserted that Young felt that the United States government intended to bring about the destruction of the Mormon people by the battalion request. According to Brocchus, Brigham Young complained that the government had not made a request of the Mormon people for men to fight in the Mexican War but had simply taken them. To this assertion, though there is evidence indicating it was true, Bernhisel defended Brigham Young and contended that he had not made such complaints. He

¹Congressional Globe, 32nd Congress, 1st Session, Appendix, 86.
²Ibid., 88.
said that the government did not take from the Mormon people a battalion of men, but an officer of the United States made a call for volunteers and his request was met by the response of more than five hundred men who quickly agreed to leave their wives and children on the plains and render their service in the war with the Mexican republic.¹

After examining the report of the federal officers, Dr. Bernhisel declared it "an issue of gross exaggeration and misrepresentations."²

In the House of Representatives he demanded a congressional investigation of the "allegations preferred against the Governor and people of Utah."³

On January 9, 1852 the issue was debated in Congress. Nothing very decisive came of the debate except a postponement of action on the matter and the following resolution presented by Delegate Bernhisel which was not adopted:

Resolved, That the committee to whom has been referred the report of the three returned officers of the United States for the Territory of Utah, addressed to the President of the United States and communicated to this House, have power to send for persons and papers, and to send a Commissioner (to be designated by the Speaker of this House) to Utah, duly instructed and commissioned to take depositions in writing touching the matter contained in said report as are of public concern, and to return the report the same to said committee; and that the Delegate in Congress from that Territory have authority from this House to retain counsel to conduct the proceedings in this case before said committee.⁴

Bernhisel had placed great hopes for Utah in this resolution. The Congress was against the delegate and he lacked the necessary influence at the time to turn the tide in his favor. That the press and general

¹Ibid., 89.
²Neff, op. cit., 175.
³Congressional Globe, 32nd Congress, 1st Session, 211.
⁴Ibid., 241.
consensus of the American people, like that of the Congress, was beginning to unite in hostile feelings against Utah and the Mormons is evidenced in an article that appeared in the New York Tribune in early January, 1852:

There is a problem to be solved in Utah. The territorial Government for that State, which was one of the precious parts of the adorable "Compromise," didn't work; and "agitation" will inevitably come out of it. The plan of General Taylor's administration was to let the Mormons alone, to work out their own salvation. They had secluded themselves near two thousand miles away from civilization, endeavoring thus to cut themselves off from all association with our people, and were there hemmed in by vast deserts, flourishing in their own way, with laws and a government of their own, desiring nothing so much as to be unmolested. But this would not do for us, who must bring them under the broad canopy of a compromise, covering Christians, Mormons, niggers and all. We sent them money, and sent them officers of State, as part of a grand scheme of "conciliation, concession, compromise." They had wit enough to take the money, but returned the officers, saying, they did not need any Gentile ornaments of that description. And now this part of the compromise having given out, it must be patched up or sewed over. Well, gentlemen compromisers, go ahead and mend it. 1

At this point, when it looked as if the entire situation was going against Utah, Jedediah M. Grant, then mayor of Salt Lake City, was dispatched with a series of letters, affidavits, and documentary evidence to disprove the allegations being made in Washington by the former officers. He had been authorized by Brigham Young to act as an agent of the citizens of Utah and to confer and cooperate with Delegate Bernhisel in his official duties at the capital. 2 What Grant lacked in scholastic culture he compensated for with his bravery and willingness. His letters, published in the Washington papers, coupled with Bernhisel's diplomatic ability, soon brought about favorable

1 "Journal History," January 12, 1852.
2 Executive Record Book, Territory of Utah (1850-54), 32.
public reaction to the Mormon cause. Inflamed public opinion subsided, and the "run-away" officials became objects of discomfiture and ridicule.

During this entire ordeal, Dr. Bernhisel was often disposed to be despondent over the course of events in respect to the territory. Governor Young, who was known by all he served, as a symbol of tremendous faith and foresight, wrote Bernhisel a spirited letter that helped in spurring him on to a successful refutation of the Brocchus allegations. About this matter, Brigham Young has journalized in the following way:

On the 28th, (February, 1852) I wrote to Dr. Bernhisel that we did not feel anywise alarmed as to the final issue of the matter. The government might, if they saw proper, be so influenced by the returned officers as to take strong ground against us, sending troops to overawe us, and governors and judges to rule us; but the people of Utah would certainly protest against such proceedings, if any such were contemplated.

We had dug our way into these mountains where none but the destitute Mormon, who being instructed by his past sad experience of the danger of seeking a location on the rich and fertile lands of the United States, sought out and had settled in the language of Captain Stansbury, the "God forsaken country in which none but a Mormon could live," and even preferred these wild and barren wastes to the rich vales of California or the sunny South, for the boon of quietness and peace.

I reminded the doctor that we had lived before the territorial charter was extended to us, and that we could do so again, though we would like to have it continued if it could, upon righteous principles; but if not, the people would re-adopt the provisional government of "Deseret," and apply again for admission as a free and sovereign state, and recall their delegate.

... I also reminded Dr. Bernhisel that all the rights and immunities we sought might be enjoyed under the wise and faithful administration of the laws and glorious Constitution of the United States which was designed to shield the sincere worshipper of every religion, and also guaranteed the free expression of sentiments and opinions upon any subject, whether religious or political ... .

I exhorted the doctor not to be afraid to tell the president, nor any other person, whether in or out of congress of our rights as free people, who are not indifferent to the majesty and glory of our common country, and who are and ever have been its true supporters; and that
now to be accused of defection ... was an insult not
to be borne nor easily forgotten.¹

The governor closed his letter with a paragraph that expressed his
own attitude concerning the Utah situation and the Mormon hardships in
general:

As for my own feelings. I was perfectly assured that all
would be right, when matters were explained and considered;
but supposed the reverse should happen and we again were
compelled to seek another location to free ourselves from
bondage and oppression, and though many of us might fall
into our graves, victims to exposure and hardships thereby
encountered, if our work is accomplished, and the Lord wills
it, all right; to die is nothing. I should a thousand times
rather encounter the grim monster, than have my religion and
the love and adoration which I feel towards God become of
secondary consideration with me. And I wished all men,
whether Presidents or Kings, congressmen, or noblemen to know
that I sought first the mind and will of God and all my acts
had to become subservient thereto.²

The ambitious and patient efforts of Delegate Bernhisel, coupled
with the friends of the Utah colonists in Washington at that time,
including the powerful Secretary of State Daniel Webster, ex-Vice
President George M. Dallas, Colonel Kane, and, as yet, Senator
Stephen A. Douglas, proved to be effectual in bringing about a favorable
conclusion to the Brocchus incident. The officials soon found themselves
utterly without influence in Washington, and were ordered by Daniel
Webster, Secretary of State, to return immediately to the post they had
deserted, or resign. They chose the latter and their successors were
appointed. Although this second group of appointees were not residents
of Utah, they were not known to be unfriendly to the Saints. Dr.
Bernhisel, in announcing the appointments to Governor Young, said that
the new appointees were "gentlemen who were highly recommended for

¹"Journal History," entry for February 28, 1852.
²Idem.
integrity and high moral character and as being unprejudiced. President Fillmore is our friend and has done all he could for the interests of Utah.\textsuperscript{1}

Bernhisel was quick to recognize the immediate effect the incident had upon Utah and her future when he, in a letter to Brigham Young soon after the case was officially closed, stated that "although the returned officers had been beaten at every point, and their libelous report was not noticed by Congress, Utah did not stand as well in the eyes of the nations as before the explosion."\textsuperscript{2}

An attempt to unseat Bernhisel, 1852. This problem was no sooner solved than Delegate Bernhisel was faced with another, more personal in nature. The Brocchus incident nearly cost Bernhisel his seat in Congress. George Briggs (Whig-N.Y.) at the instance of the fugitive officers, introduced the following resolution into the House on January 19, 1852:

\begin{quote}
Resolved, That the Committee on Elections be instructed to inquire into the election of John M. Bernhisel, the present Delegate from the Territory of Utah,—whether said election was held according to law, and whether any bribery, corruption, or other illegal means were made use of by said Bernhisel, with Brigham Young, or any other persons, to secure the said election and return; with power to send for persons and papers.\textsuperscript{3}
\end{quote}

Briggs stated that he desired such action on the part of the Committee on Elections because of mention made in the report of the "run-away" officials concerning possible corruption in that election. He concluded his remarks by saying, "I firmly believe that the

\textsuperscript{1}"Journal History," entry for September 18, 1852.
\textsuperscript{2}Ibid., entry for July, 1852, 62.
\textsuperscript{3}Congressional Globe, 32nd Congress, 1st Session, 306.
gentleman has no more right to that seat than a subject of a foreign
country."\(^1\)

John A. King (R-N.Y.) objected to the presentation of the resolution
because Dr. Bernhisel was, at that time, absent from Congress. He
further said that he did not know of any facts upon which one could
base a suspicion against the right of the delegate from Utah to a seat
in the House. He proposed that the matter be postponed until Bernhisel
returned to Congress, to which, Briggs agreed.\(^2\)

The matter was again brought up for discussion on January 22 at
which time Dr. Bernhisel made a short speech in defense of his right
to a seat in the House.

I beg leave merely to state that I received the news of
my nomination on my way home last year; that I had no
competitor at the election, and received every vote cast,
for a Delegate to Congress; and that the election did not
cost me one dollar in money, as has been erroneously
reported and circulated here. The certificate of my
election, giving the number of votes and signed by the
Governor and countersigned by the Secretary of the
Territory, and having affixed to it the broad seal of the
Territory of Utah, I ask leave to send to the Clerk's
table, to be read for the information of the House. I
feel no inclination to oppose a resolution of inquiry
offered without any evidence to sustain it, but I
cheerfully leave it to the disposition of the House. I
ask for the reading of the communication.\(^3\)

There was no objection made, so the communication was read by the
Clerk. It was a document from Governor Brigham Young simply stating
that Bernhisel had been duly elected in an election held on the 4th of
August, 1851. It further stated that 1259 votes had been cast and
Bernhisel had received every one of them.\(^4\)

\(^1\) Idem.
\(^2\) Idem.
\(^3\) Congressional Globe, 32nd Congress, 1st Session, 353.
\(^4\) Ibid., 354. For entire certification of election, see Executive
Record Book, Territory of Utah (1850-54), August 13, 1851, 14.
A spirited debate ensued, spearheaded by Briggs, charging that the election was a fraud, being conducted in direct violation of the law organizing the Territory of Utah, and that there had been corruption in that money was paid to Brigham Young as a condition upon which Bernhisel should obtain a seat in Washington. Bernhisel was falsely accused of being an active polygamist by one member of the House who stated that "we cannot close our eyes to the fact, that these things are whispered, and more than whispered; that they come to us under the authority of the report of disfranchised officers whose duties there have been foreclosed by violence."¹

The sincerity and determined courage expressed by the Utah delegate were instrumental in turning the tide of the House to his favor because, as it was, the entire national body, with but two exceptions (Briggs of New York and Thomas H. Carter (R-Ohio)) were in favor of sustaining the Doctor. Briggs, after obvious lack of support, reluctantly withdrew his resolution and informed the Doctor that he had been misled and misinformed and that he should have nothing more to do with it.

These two disturbing experiences served to be a hard introduction to Congress for the delegate from Utah. However, the ability with which he handled each one gave him added prestige and influence that were useful to him in later legislative efforts. His prestige and influence were not only growing among his congressional colleagues but he was gaining the admiration and gratitude of his constituents in Utah. Many were writing to the headquarters of the Church concerning his activities in Congress, expressing nothing but praise and appreciation.

Orson Pratt was typical as he wrote:

So far as I have information I verily believe that Brother John M. Bernhisel has used his very best endeavors in behalf of Utah; he has been at his post, visiting the committees and ingratiating himself into their good graces, and has, no doubt, obtained many favors in this way that would have been utterly denied had they been sought in a more public way. Brother Bernhisel is a man of integrity, and wisdom, and his name will be had in honorable remembrance among the Saints from generation to generation.¹

Brigham Young repeatedly wrote letters of encouragement to the Doctor during these trying days in Congress expressing his appreciation for the efforts of the Delegate. He exhorted him to not be discouraged and to not let vile reports of Gentiles annoy him. Again, he pledged his full support and cooperation to Bernhisel.² At the same time, the citizens of Utah were hailing Delegate Bernhisel as "the champion of right, the friend of virtue, the true patriot, the people's choice and noble defender of the Constitution."³

Bernhisel presents memorials in Congress. Among the many memorials which the Utah territorial legislature sent to their delegate was one petitioning Congress to establish a national central railroad.⁴ The memorial, which was adopted by the Utah territorial legislature on March 3, 1852, did not attempt to advise as to the exact route the railroad should follow but did point out that it could be constructed "from some eligible point on the Mississippi or Missouri River to San

¹"Journal History," entry for March 4, 1853; also Deseret News, May 5, 1853.

²Ibid., May 27, 1852.

³"Journal History," entry for July 5, 1852 and July 24, 1852.

⁴Acts, Resolutions, and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah. Published 1855, Salt Lake City, (1850-55), 412. Also see Whitney, I, 488-89.
Diego, San Francisco, Sacramento, Astoria, or such other point on or near the Pacific coast as the wisdom of your honorable body may dictate." The memorialists stated that for want of proper means of transport about five thousand persons had perished on the different routes within the three preceding years. Mention was made of the fact that there was no great obstacle to the construction of a road between Salt Lake City and San Diego and that at various points on the route iron, coal, and timber were abundant. The memorial attempted to give voice to sufficient reasons for the railroad to induce Congress to act. It further stated that the economic advantage and benefit that would be enjoyed by the United States would be the entire trade of China and the East Indies that would pass through the country. According to the projected memorial the most important benefit of such a railroad "would be a perpetual chain or iron band which would effectually hold together our glorious Union, with an imperishable identity of mutual interest, thereby consolidating our relations with foreign powers in times of peace, and furnish means of defense in times of war."2

Whitney writes of the reception Dr. Bernhisel received when he presented the foregoing memorial in the House of Representatives:

Dr. Bernhisel, when submitting the above memorial to the American Congress, was smiled at and told that he was a hundred years ahead of the age. Nothing daunted, the Utah delegate humorously invited the nation's legislators to ride over the road on its completion and come and visit Salt Lake City. Twenty years later some of them actually did so, but it is questionable if they would have had the privilege that early, had not the people of Utah, by their Legislature,—then overwhelmingly Mormon,—repeatedly petitioned Congress for the construction of the great railway, until finally it was authorized.3

---

1Idem.
2Idem.
3Whitney, op. cit., I, 489.
Another memorial presented in Congress at the same time by Bernhisel was an additional step toward an effort to terminate the isolation of the Mormon people. The petition asked for the construction of an electric telegraph line that, like the railroad, be constructed from some convenient point on the Mississippi or Missouri River to a suitable port on the Pacific Ocean. It was avowed that "no movement of Congress could be better calculated to preserve inviolable our glorious Union, than to bind the east and west by an 'electric' stream." Though this memorial was looked upon with less disfavor by the members of the House of Representatives, it did not capture the support necessary to carry it toward national legislative action.

Dr. Bernhisel presented a third memorial from the legislature of Utah at this time directly concerned with this same problem of transportation and communication. This memorial requested Congress to provide for the location, grading, and macadamizing of a national turnpike from the mouth of the Nebraska River, via South Pass, to Great Salt Lake City, thence on to Sacramento, California, and to appropriate $500,000 for the defrayal of the expense of its construction. No action was taken on this request.

It is obvious that "the Mormon colonists were hearty advocates of internal improvements at national expense." They were, however, also completely aware of the importance and need of an improved system of transportation and communication for themselves. The Utah citizens

---

1Neff, op. cit., 313.

2Acts, Resolutions, and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah. Published 1855, Salt Lake City, (1850-54), 412.

3Neff, op. cit., 313.
stood willing and anxious to express their desires and ideas concerning this problem to the rest of the American nation through their elected delegate to Congress. Bernhisel, in turn, played his part. He was a man with a progressive mind and courageous heart and was consistently laboring to make the country more aware of her transportation and communication needs.

Brigham Young remained deeply concerned about Delegate Bernhisel and his welfare during the trying First Session of the Thirty-second Congress. That he was anxious about the Delegate's health and condition is evidenced in the following paragraph of a letter he wrote to Bernhisel late in 1852:

My warmest sympathies have been exercised in your behalf and I have constantly besought my Father in Heaven to sustain and bear you up through the arduous duties which you have to perform and fearing that it might seriously impair your health, have considered that it was too much for you to bear longer. I therefore cheerfully give, as you will doubtless as cheerfully receive, an invitation to you to come and rest awhile in the bosom of the Church, in the Vallies of the mountains; let this session terminate your labors in that capacity for a season, and may we have the happy privilege of meeting ere long in sweet converse and friendship which knows no end, is the prayer of your friend and brother in the bonds of union and peace.  

The Doctor remained in Washington long enough to secure for the newly-created Territory appropriations from the Thirty-second Congress:

For Salaries of the Governor, Superintendent of Indian Affairs, three judges, and Secretary.................$ 9,700

For contingent expenses of the Territory............. 1,000

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly................. 20,000

1"Journal History," entry for November 30, 1852.
To enable the President to cause a site to be purchased and a suitable building to be erected for a penitentiary in each of the Territories of Utah and New Mexico... 20,000.

The Thirty-second Congress ended on a note of sensationalism, triggered by the arrival in Washington of the news that the Mormons had publicly announced that polygamy was a part of their accepted doctrine and practice. This announcement brought about an outrage on the part of the general public that created new problems to test the delegate from Utah that were destined to be born and fought in the up-coming Congresses.

Thirty-third Congress, 1853-54

Election of 1853. When Dr. Bernhisel returned to Utah following his first successful term as delegate, Brigham Young was well satisfied with his work. Shortly thereafter the Church met in its regular semi-annual gathering. At this conference Dr. Bernhisel reported his activities in Washington. Brigham Young then arose and verbally reflected the entire picture of the church dominated election system of the time:

It came into my mind when Brother Bernhisel was speaking... inasmuch as he has done first-rate, as our delegate in Washington, to move that we send him again next season; though it is the Sabbath Day, I understand these things and say as other people say, "we are Mormons." We do things that are necessary to be done when the time comes for us to do them. If we wish to make political speeches, and it is necessary, for the best interest of the cause and kingdom of God, to make them on the Sabbath, we do it... .

Brother Kimball has seconded the motion, that Dr. Bernhisel be sent back to Washington, as our Delegate. All

1 Congressional Globe, 32nd Congress, 2nd Session, Appendix, 378.

2 This announcement was made in a sermon delivered by Orson Pratt in the General Conference of the Church, August 29, 1852.
who are in favor of it, raise your right hands, (more than two thousand hands were at once seen above the heads of the congregation.)

This has turned into a caucus meeting. It is all right. I would call for an opposite vote if I thought any person would vote. I will try it, however, (Not a single hand was raised in opposition.)

... inasmuch as we send Brother Bernhisel back to Washington, I say to him, fear not their face, nor their power for we are perfectly prepared to take all the nations of the earth on our back; they are there already, and we will round up our shoulders and bear up the ponderous weight, and carry the gospel to the uttermost parts of the earth, gather Israel, redeem Zion, and continue our operations until we bind Satan, and the Kingdoms of this world become the Kingdom of our Lord and His Christ; and no power can hinder it.1

The Deseret News and Legislative Council followed the example set by the church and came out in full support for the re-election of Bernhisel. The News stated that it was the will of the people that the Doctor, having given universal satisfaction during his last campaign, be re-elected as delegate to Congress at the election to be held on the first Monday of August. The citizens of the Territory went to the polls on August 1, 1853, and elected Dr. Bernhisel to represent them in the up-coming Thirty-third Congress. When the Territorial Legislature met it was duly recorded in the House Journal that some 2232 votes had been "polled" for Bernhisel with only one dissenting vote. This particular election stands as just one incident to illustrate the closeness and dependence of church and state in Utah Territory.

Appointment of E. J. Steptoe, 1854. The public announcement of polygamy in 1852, together with the uneasiness still felt over the "run-away" officials, left President Pierce undecided as to Brigham Young's re-appointment as Governor. Public and congressional pressure was put upon the Pierce administration that finally succeeded in forcing

the President to decide against the reappointment. The governorship was tendered to Lieutenant-Colonel E.J. Steptoe. At the time of his appointment, though many feel that Steptoe had the President's commission in his pocket when he arrived in Utah, Steptoe was in Utah investigating the Gunnison massacre of 1853, another matter that induced President Pierce to appoint a non-Mormon governor of Utah.

The eastern newspapers had received word of the killing of Captain John W. Gunnison and attempted to fix the guilt on the Mormons of Utah Territory. Captain Gunnison had served with Captain Howard Stansbury's company of topographical engineers in the survey of Salt Lake and Utah Lake, in 1849-50. He was loved and accepted by the Mormon people and in 1849 wrote a book in which he made a careful study of industrial, social, and political life of the people of Utah.

Gunnison made a second trip to Utah in 1853. His second trip to the Basin had been more unfortunate than his first in 1849, when he had been received cordially by the Indians and white men. Ordered to survey a route for the proposed Central Pacific Railroad, Gunnison had reached Utah with about a dozen men in late October, 1853. He had arrived at a bad time, when the Indians had become infuriated by unnecessary acts of cruelty on the part of recent travelers and during the Walker War. Although settlers in Fillmore warned Gunnison of the Indians' hostility, he trusted his previous friendship to protect him and his men. On the morning of October 28, 1853, they were suddenly attacked by a band of Utes. Gunnison and six of his men fell, while the others of his party


managed to escape.

Though the Indians were wholly responsible for the incident, the eastern newspapers were quick to lay blame on the Mormon colonists. The Missouri Democrat and Washington Globe were particularly harsh in their condemnation of the Mormons. They accused the Mormons of being willful isolationists who were hostile to any attempts by outside groups, even the United States government, to pry into their affairs and lives in the "desert." They charged that the Mormon group was reluctant to tolerate the creeds of others and had pledged themselves to avenge their enemies who had been responsible for the hardships suffered by them.

Dr. Bernhisel refuted these erroneous articles by sending letters to the editor of the Washington Globe in which he quoted the testimony of the survivors of the Gunnison party, who had clearly fixed the guilt on the Indians. He stated that it was his belief that the authors of the articles were attempting to incense the public against a righteous and patriotic community, in whose entire history no circumstance can be found to give even the color to a charge of blood thirstiness. He called the charge one of revolting cruelty, from which "every Mormon would shrink with horror" and called for an investigation by the War Department to satisfy the public mind and to deal justice to the Mormon people.

The testimony of the survivors proved evidence enough to dismiss the charges concerning the issue.

---

1 Washington Globe, January 6, 1854. See also, "Journal History," January 6, 1854.

2 U.S. Congress, House of Representatives, House Executive Documents, 33rd Congress, 1st Session, No. 18, serial 717.
Steptoe had arrived in Salt Lake City August 31, 1854, under orders for California. However, the newly arrived appointee did not summarily proceed to dispossess the Mormon incumbent of his office. The offer of a temporary political office made slight appeal to this man of military habits, especially in view of the unmistakable preference of the people for the continuance in office of Brigham Young.

Colonel Steptoe left Utah with his troops and continued on to California, leaving Brigham Young still Governor. Before he left however, he united with the Mormons and other Gentile officials in urging the re-appointment of Governor Young. A memorial to this effect was signed and sent to Washington during December of 1854. The voice of the people of the Territory of Utah prevailed over the protests of anti-Mormon sentiment, and once again Brigham Young assumed the position of governor.

Military road for Utah, 1854. During the fore part of 1854, Dr. Bernhisel was successful in getting a bill through Congress providing for the construction of a military road in the Territory of Utah. On January 19, 1854, he introduced a resolution asking that the Committee on Military Affairs be instructed to inquire into the expedience of the construction of a road from Salt Lake City, via Provo, Fillmore City, and Parowan, to Harmony, in the Utah Territory, and thence to the eastern boundary of California, for military and other purposes.¹ The resolution was unanimously adopted and a bill was later introduced into the House to this effect. On June 19, the bill (No. 340) was put up for debate and discussion. It passed the House without difficulty that same

¹Congressional Globe, 33rd Congress, 1st Session, 212.
day by a vote of 83 to 55.\(^1\) It was introduced in the Senate immediately afterwards, where, without discussion, passed on July 6, 1854.\(^2\) The act provided for an appropriation of $25,000 to be expended under the direction of the Secretary of War.\(^3\) Thus, Delegate Bernhisel was successful in this effort to hasten the end of isolationism of the Mormon groups in the valleys of the mountains. When the Territorial Legislature assembled on December 11, 1854, Governor Young directly credited the Delegate with having secured the appropriation for this much desired road.

**Indian depredations bill, 1854.** The Indian problem was always a frustrating issue on the Utah scene. Losses sustained by the settlers, coupled with the initial costs of fighting the Indians, ultimately amounted to hundreds of thousands of dollars. Congress was very tardy in appropriating the amounts due from the government to the people of the Territory on account of Indian depredations, causing much dissatisfaction in Utah. In fact only a portion of this money ever was appropriated and paid by the government. Bernhisel presented a memorial from the Territorial Legislature asking compensation from the federal government for expenses incurred by the Territory in suppressing Indian hostilities during 1850-51.\(^4\) It was passed by the House on June 19, 1854, and was introduced into the Senate the same day.\(^5\) The Senate passed the bill without incident and the secretary of War was directed to

\(^{1}\)Ibid., 1432.
\(^{2}\)Ibid. 1621.
\(^{3}\)Idem.
\(^{4}\)Ibid., 1432.
\(^{5}\)Ibid., 1621.
ascertain and pay the amount incurred in the suppression of Indian hostilities during 1850-51, provided it did not exceed $20,940.65.¹

Appointment of a surveyor-general, 1854. The inroads of propaganda concerning polygamy are apparent as one reads the Congressional Globe for 1853-54.² Bernhisel could hardly ask the chair for permission to speak before ridicule and laughter greeted him because of the practices and beliefs of his constituency. The issue of polygamy was used repeatedly against the delegate, especially in his attempt to obtain the appointment of a surveyor-general for Utah. Jeering remarks were made by various congressmen in the House about the large size of land allotments that would be made necessary in Utah by the many wives and large families sported by the Mormon men. Bernhisel's proposal was discussed fully in the House on May 4 and 5, 1854, the proceedings of which spread over seventeen pages of the Congressional Globe. Congress did, however, by enactments of July, 1854, and February, 1855, make provision for public land surveys in Utah.³ David H. Burr, the first surveyor-general appointed to survey the lands in the Utah Territory arrived in the valley July 27, 1855. Evidently the combined efforts of Dr. Bernhisel and the lobby were sufficient to accomplish that much. However, little was accomplished by this first survey. Reports of dishonesty in the expense accounts of the Land Office were reported by Bernhisel after receiving reports from Brigham Young.⁴

¹Idem.
²Ibid., 1090-1105.
³Congressional Globe, 33rd Congress, 2nd Session, 506.
⁴Neff, op. cit., 679.
Appropriations for Utah. The next major issue demanding action on the part of Utah's delegate was that of securing adequate appropriations for the Territory. The Thirty-third Congress seems to have been quite lenient. In a letter which Bernhisel wrote to Franklin D. Richards on August 8, 1854, an indication is given as to what progress he had made in acquiring favorable results.

President F.D. Richards:
My dear Sir: Not withstanding his satanic majesty raged and roared, the following bills have, with the blessing of God, passed both branches of the National Legislature, and having received the executive sanction, have become laws of the land. A bill to refund to the Territory of Utah the expenses incurred in suppressing Indian Hostilities in the years 1850-1 $20,940.65
A bill to provide for the construction of a military road in Utah 25,000.00
An Amendment to the civil and diplomatic bill to increase the Utah Library 500.00
For general incidental expenses of the Indian service in the Territory of Utah during the year ending June 30, 1854 10,000.00
For general incidental expenses of the Indian service in the Territory of Utah during the year ending June 30, 1855 20,000.00
An amendment to the civil and diplomatic bill to pay the Code Commissioners 2,428.00
For the expenses of negotiating treaties with, and making presents of goods and provisions to the Indians in the Territory of Utah 45,000.00
To defray the expenses of the Territorial Government of Utah for the year ending June 30, 1855 30,000.00
Three or four new post routes have also been established in Utah ....

I remain yours, ever truly,
John M. Bernhisel

It would be unfair for anyone to criticize Utah's delegate for the size of his appropriations, knowing the circumstances under which he labored.

1Letter from John M. Bernhisel to Franklin D. Richards, August 8, 1854, "Journal History," entry for that date. Though these amounts were actually appropriated by Congress, there is no available record indicating that the territory in fact did or did not receive them.
Toward the end of the Thirty-third Congress the eastern press was reporting that Governor Young of the Territory of Utah had been guilty of misapplication of public funds. Again Delegate Bernhisel went to work. He felt it his responsibility to refute these charges and so he reverted to the press to disavow these accusations of dishonesty brought against his friend and adviser. In a letter to the editor of the National Intelligencer, an eastern newspaper, he stated that by the 12th section of the act of September, 1850, entitled "An Act to Establish a Territorial Government for Utah," the sum of $20,000 was appropriated to the territory to be applied by the governor and legislative assembly to the creation of a suitable public building at the seat of government. He went on to explain what Governor Young had done with part of the money, and provided the necessary statistics and receipts to verify his statements. He further stated that Brigham Young stood ready to honor a draft at sight and was willing to have his records examined. This seemed to successfully clear the air about this accusation made against Brigham Young for no more was said about the issue.

As one looks back upon the second term of Delegate Bernhisel in Washington, it is obvious that they were years of strain and hard work. The Doctor had worked hard, to bring to pass those actions that would be most beneficial to his Utah constituency. During the Thirty-third Congress Bernhisel made lasting impressions upon the people he met and worked with. The many reports that came back to Utah concerning the Delegate glowed with praise and admiration for his activities and general character. There is one in particular that must

1"Journal History," entry for January 3, 1855.
surely have been gratifying to him. The Mormon, of course, reported an interview with the Doctor in rather glowing terms:

We have lately had a very pleasant interview with the Hon. John M. Bernhisel, who has been on a visit to this city, since the recess of Congress ... In a long conversation with him ... we are thoroughly convinced that his office there is not sinecure. He is a true friend to Utah, and looks after her interest with an argus eye. He may not be so vociferous, noisy or loquacious as some. But we believe that a more indefatigable man, in looking after the interests of his constituents, cannot be found; and we firmly believe that his unassuming, courteous and gentlemanly bearing, coupled with his intelligence, tact and untiring diligence, do more real service in securing the wish of his constituents, in the interests of Utah, than all the boisterous declamation or noisy argumentative debate. Several members of Congress with whom we conversed, and whom we had occasion to call on officially in committees, mentioned the same thing to us when in Washington. One prominent member remarked, "If you don't get what you want it certainly will not be your delegate's fault."

Thus, it was on a note of confidence and encouragement that Delegate Bernhisel returned to his Utah home in the early spring of 1855. In Utah he found himself confronted with the decision of whether to return to the capital city and face the toilsome labors that were destined to be inaugurated in the up-coming Congress or to remain in his home in the mountains to enjoy the more leisurely life of one not directly connected with politics.

That all were satisfied with the work that Delegate Bernhisel had been doing for them in the halls of Congress is evidenced in this address at June Conference of 1855 by President Brigham Young:

I can say freely that I am perfectly satisfied with the labors of Dr. Bernhisel in Washington; and I will further say for the satisfaction of the parties concerned, that I doubt very much whether we could find another man belonging to the Church of Jesus Christ of Latter-day Saints who could go to Washington and do as much for this people, in the

---

capacity of a representative as the one we have sent for the years past. Why do I doubt this? In the first place he is a man of sterling integrity, firm to his faith, punctual, industrious, fervent, and always on hand to do everything that can be done. Another reason is that but few of the talented men who belong to the Church could go to the seat of Government and endure the slang and misrepresentations which the Doctor has endured.

... It is not my intention at this meeting to mention whom I think we had better send to Washington, as I did two years ago this summer, when Brother Bernhisel arose to speak here, at which time we nominated him for our delegate. Before he is again elected I wish to learn whether he is willing to return. The office is a toilsome one, and is a mission which is not desirable to any Elder in this Kingdom, but if I can learn that he will accept the mission, I have no question but that he will have to round up his shoulders and go again. If he declines accepting, and wishes to be excused we will pick up somebody else. Who? Why the man who will do the least hurt of any man we can find. 

Thirty-fourth Congress, 1855-56

Election of 1855. Dr. Bernhisel rounded up his shoulders and accepted the nomination as the church candidate for his third consecutive term in Congress. His nomination was carried by acclamation at a mass meeting held on July 4, 1855, to celebrate the seventy-fifth anniversary of independence in the United States. In presenting the Doctor's name to the public, the Deseret News took the occasion to emphasize the fact that, politically, Utah was unique and much better off than the states of the time. The editor stated that it was customary in the states, when a paper hoists its flag in favor of a nominee to an important office, to down-grade every other aspirant to the same station, and laud to the skies its own candidate. Furthermore, it was boasted that "this singular, unwise, unjust, and rabid course is happily

---

1Journal of Discourses, II, 318-323.

2"Journal History," entry for July 4, 1855.
entirely unnecessary in Utah as our faith, policy, and politics are one, at least with few, if any exceptions.\(^1\) In conclusion the News stated that it was universally known that the Saints firmly believed in selecting upright, honorable, trustworthy, able, and proven men for offices of trust and responsibility, and that they personally knew from long acquaintance that Bernhisel possessed these qualifications in an eminent degree. After the appearance of many such articles concerning the nominee for Delegate, there was no doubt left in the minds of the citizens of Utah, who were both influenced by the dominant church and the press, the Deseret News being an arm of the church, in regards to the qualifications and aptitude of Dr. Bernhisel.

There was, of course, no opposition to challenge the candidate so the efforts of the press and territorial campaigning committee were centered on the problem of getting a good majority of the qualified citizens to go to the polls on election day and cast their ballot. They demanded that, notwithstanding there was no opposition, courtesy alone would seem to require each voter to respect the nomination so far as to take time enough from one day in a year to hand in his vote.

The election was held on Monday, August 6, 1855. It resulted in a unanimous vote by Utah's citizens in favor of sending Delegate Bernhisel back to the seat of government, with "their highest confidence in his ability to obtain all the justice for the red and white inhabitants of this Territory that a 'Mormon' can possibly obtain under the circumstances."\(^2\)

Appropriation for a military road. Upon his arrival in Washington

\(^1\)Deseret News, July 18, 1855.

\(^2\)Ibid., September 1, 1855.
in the fall of 1855, Delegate Bernhisel found the opposition in Congress to be somewhat bolstered by the polygamy issue. On February 20, 1856, Bernhisel presented a memorial from the Utah legislature asking for a military road from Bridger's Pass, then still a part of Utah Territory,\(^1\) in the Rocky Mountains, to Salt Lake City, in the Territory of Utah.\(^2\) Even this met with the usual type of opposition in Congress when the Utah delegate proposed it. The proposal was, however, extensively debated in Congress with the polygamy issue creeping in from all quarters. Finally the bill (No. 423) was recommended for passage. The bill allowed for an appropriation of a mere $3,000 for the purpose of constructing the military road over a distance of some two hundred miles. At the previous session of Congress an appropriation of $50,000 was made for the construction of a military road to Bridger's Pass. Dr. Bernhisel argued that unless that road be extended to Salt Lake City, the first part of it would be entirely useless. His arguments for such a bill were accepted favorably by his congressional colleagues and they granted the appropriation.

**Appropriation for Indian depredations.** At the same time, Bernhisel presented a second memorial asking for a refund to the Territory of Utah for the expenses incurred by the Territory in suppressing Indian hostilities in the year 1853.\(^3\) It was reported to the House in the form of a bill (No. 426) on June 26, 1856. The first section authorized the Secretary of War to adjust and settle with the proper authorities of the Territory of Utah the accounts for the claim of said territory.

\(^1\) This part of Utah was ceded to Wyoming in 1868. 
\(^2\) *Congressional Globe*, 34th Congress, 1st Session, 473. 
\(^3\) Idem.
for necessary or proper expenditures incurred and paid by Utah in the suppression of the Indian hostilities. The second section enacted that the amount so ascertained and settled by the Secretary of War, not exceeding $76,017.40, shall be paid to the proper authorities of said Territory.\(^1\) The members of the House felt that inasmuch as there were no Federal troops within five hundred miles of the Territory, and that the settlers had successfully withstood the hostilities and had created temporary peace with the Indians, the bill should be passed.

**Utah War, 1857.** These last two bills (the military road bill and Indian hostilities bill) represented two of the last congressional successes for Bernhisel and Utah for quite some time. The entire tide of Congress turned against the Utah Mormons in a crucial way as a result of the "Utah War."\(^2\)

The federal appointees who had the most trouble with the people of Utah, and who were the principal factors in causing the United States government to send an army to the Basin were Judge George P. Stiles and William W. Drummond. Stiles was an apostate Mormon and Drummond a Gentile. They arrived in Salt Lake City in 1855.

Both of these new appointees were of questionable character. When Drummond's true character was discovered he left the Territory, never to return. He wrote a letter of resignation to Jeremiah S. Black, attorney general of the United States, and also other reports in which he made various scandalous accusations against Brigham Young and the

\(^1\)Ibid., 1497.

\(^2\)For a complete work on the causes, effects, and outcome of the Utah War, see Everett L. Cooley, "The Utah War," (unpublished Master's thesis, University of Utah, 1947.)
settlers of Utah.¹

In an affidavit to the President, Judge Stiles affirmed many of the charges made by Drummond. Furthermore, additional false charges against the pioneer leaders were made in letters written by other Gentiles living in and around the territory. Among the many accusations, the reports alleged that the people of Utah were in open rebellion against the laws and government of the United States.

Although Governor Young and his people denied the charges, making lengthy reports to the federal government relative to the "true state of conditions" in Utah, misunderstanding between the United States and the Mormon pioneers continued.

During these crucial days, Dr. Bernhisel had several extended consultations with President Buchanan in which he strongly recommended that a commission be sent to the Territory to investigate matters there, and that the unnecessary army be withdrawn. His efforts were in vain however, for without thoroughly investigating the situation to find what the real conditions were, President Buchanan and his associates accepted as fact the charges made by Drummond and others against the pioneer settlers and sent 2500 soldiers to Utah in 1857.²

Thirty-fifth Congress, 1857-58

Election of 1857. It was amidst this difficulty that the citizens of Utah were faced with another election for delegate to Congress. There was no question in the minds of the people as to who would be there most


²For estimates of supplies and subsistence, see U.S. Congress, House of Representatives, House Executive Documents, 35th Congress, 1st session, No. 33, serial 955.
likely and intelligent choice. The name of John M. Bernhisel loomed greatly and he was quickly nominated and elected unanimously without any serious opposition. Apparently, however, there had been some political adventurers wander into Utah during this time and were seeking office for personal benefit and satisfaction. The press of Utah was quick to condemn these few in a scorching editorial in which they were reminded that in Utah the office seeks the most fitting man, "as in the days of ancient purity."\(^1\) The States were scorned for their generally accepted pattern wherein the man seeks the office, far too often regardless of qualifications for the position. Finally, the editorial proudly boasted of Utah's "pure" political record and its choice of Bernhisel for Delegate to Congress:

In the nomination of Bernhisel for Delegate to Congress, it is worthy of note that, as always heretofore, not a single opposition speech or vote could be produced. This fact, so uniform and so well-known, if people would but read and inform themselves touching matters in Utah, should operate as an effectual wet blanket upon the budding hopes of aspirants from abroad for political fame in the mountains, and actually convince them that we are united and know how to conduct our own business.\(^2\)

An attempt to unseat Bernhisel, 1857-58. Feeling that he knew and understood the issues in Congress, in regards to the Utah question, particularly the Utah War, Doctor Bernhisel once again shouldered the renewed responsibility of carrying the interests of Utah to the seat of government. He realized that the general atmosphere of Congress would be against Utah and her people and consequently, solicited the faith, cooperation, and prayers of his constituents. On reaching Washington, he found things much as he had anticipated. There had been

\(^1\)Deseret News, July 1, 1857.
\(^2\)Ibid., July 15, 1857.
a fever growing that culminated in the House of Representatives on December 21, 1857, when Edward A. Warren (D-Ark.) arose and presented the following resolution:

Whereas, it appears from the proclamation of Brigham Young, late Governor of the Territory of Utah, as also from the message of the President of the United States, that said Territory is in open rebellion against the Government of the United States: Therefore,

Be it resolved, That the Committee on Territories be instructed to report on the facts, and to inquire into the propriety of excluding from a seat upon this floor the Delegate from said Territory.¹

There was no action taken or discussion conducted at this particular time on this resolution, but the issue was brought up again on December 23, 1857, when the resolution was read and opened for discussion.² Delegate Bernhisel absented himself from the room and remained absent during the entire time of debate. A very spirited discussion ensued that fills five pages of the Congressional Globe and makes for some very interesting reading. There were several congressmen, notably Democrats,³ who felt that the time had not come for such drastic steps and even doubted the legality of such action. Furthermore, they argued that the facts presented were not reliable in reference to rebellion and they felt that further investigation should be conducted in an effort to get the truth of the matter. They pointed out that there were no facts whatsoever hinting that the delegate from Utah was false to the oath of allegiance which he had taken, consequently there was no reason for expelling him. The remarks of Humphrey Marshall

¹Congressional Globe, 35th Congress, 1st Session, 134.
²Ibid., 164.
(Whig-Ky.) are representative of this line of thinking:

I do not myself believe that the House ought now to entertain the subject at all. We have not heard, this session, from the Delegate from Utah. He has not opened his mouth here during the session. He has no suggestion from Utah to make to the General Government. He is doing us no harm.

I think, in fact, Mr. Speaker, that as time wears on, we may want the Delegate from Utah here. He may have a good deal of information we shall want. If he is a true man to his country he will communicate it. I confess, that for one ... I would rather he were here than not; and at all events, I am not willing, under all the circumstances, to ignore by this movement the right of those of his constituents who may, be true, or to recognize a state of war with Utah.¹

This quotation is quite indicative of the position that Bernhisel must have taken in Congress. He chose to remain somewhat silent and aloof from any serious debate concerning the Utah question in Congress. Other of his colleagues felt that the Delegate could do no harm because of his lack of influence and his lack of power in the House. The following statement of Nathaniel P. Banks (D-Mass.) is examplary of the way so many felt about Utah and Territorial Delegates in general:

We have nothing to fear from the influence or power of the Delegate from Utah. He has no vote. He can exert no moral influence. The people he represents are weak, and distant. The opinion of the civilized world is against them.²

There were still others who, though they had a burning dislike for the Mormons and their ways, felt that the whole Utah issue should be taken into consideration, and not just the isolated point of the expulsion of Utah's Delegate from the halls of Congress. This is evidenced in the remarks of Lynn Boyd (D-Ky.):

No person, perhaps, has less sympathy with the Mormons than I have. I look upon them as a blot upon the civilization of the age .... Though I have no respect for that peculiar

¹Ibid., 166.
²Ibid., 167.
people, yet, in my opinion, we cannot take the course indicated by this resolution, without violating great principles of law.

... 
I think we should, at a proper time, take up this whole question of Utah, in all its relations, and not now upon the isolated point of the expulsion of the Delegate.\textsuperscript{1}

Those men who verbally fought against the expulsion of Bernhisel further argued that the advocates of the resolution were assuming that "the representative of the Territory of Utah on the floor is the representative of that rebellious government, and not the representative of the citizens of the United States who elected him and sent him here."\textsuperscript{2}

Though there were many who were against such an action, there were those who joined forces with Warren and strongly advocated that his resolution be adopted without reservation and ultimately enacted. A sample of this group can be seen in the words of Schyler Colfax (Whig-Ind.):

I think that the self-respect of the American Congress, the representatives of twenty-five millions of American freemen, demands at least that this investigation should be had.

... 
This Brigham Young has been making reasonable threats against the General Government from the days of Mr. Fillmore to the present day ... He has gone on fostering rebellion, till it has broken out into open war. And yet he sends, with credentials signed by the same hand which penned his proclamation of defiance to our Government, a representative here ... I trust the resolution will be adopted.\textsuperscript{3}

Eventually the debate turned against the resolution proposed by

\textsuperscript{1}\textit{Ibid.}, 168.
\textsuperscript{2}\textit{Idem}.
\textsuperscript{3}\textit{Ibid.}, 170.
Warren, and he was forced to withdraw it. Though some further attempts of this nature were made against Bernhisel's retaining his congressional seat, they failed. He remained, but, needless to say, his work on the floor of the Congress was anything but dynamic. He was successful, however, in helping to alter the attitude of the President toward Utah. After a quick trip to Utah in early 1858, the Doctor was better able to report the conditions among his constituents as they actually existed. President Buchanan was, by pressure brought to bear, induced to stop the threatening war, and on April 6, 1858, signed a proclamation promising amnesty to all who returned to their allegiance.¹

After approximately eight years of action on the congressional scene, Dr. Bernhisel was due for a rest. His fourth term ended in March, 1859, and Brigham Young felt, that inasmuch as the past eight years had been arduous and difficult for the Delegate, he needed a rest and suggested that a new nomination be made for the position. The following article appeared in the Deseret News on July 6, 1859, explaining the situation:

> A glance at the People's Ticket for the next general election shows that his constituents have waved their oft expressed predilections, and have at length granted our Delegate, the Hon. J.M. Bernhisel, a respite from his arduous and faithful services in the Congress of the United States. We congratulate Dr. Bernhisel on the clear official record characterizing the numerous terms of his Congressional career, and feel assured that none will more highly prize than himself a respite from public toil, nor more correctly appreciate the quiet and enjoyment to be found in the society of his family and numerous friends in his loved mountain home.²

¹For copies of the proclamation, see U.S. Congress, House of Representatives, House Executive Documents, 35th Congress, 2nd Session, No. 2, serial 998; Deseret News, June 16, 1858.
²Deseret News, July, 1859.
In his stead, William H. Hooper was nominated and elected as Delegate to the Thirty-sixth Congress.¹

¹For complete explanation of this nomination and election, see Chapter III.
CHAPTER III
WILLIAM H. HOOPER, 1859-61

William Henry Hooper was born December 25, 1813, at Warwick Manor, Maryland. A limited education was all that he received, owing to the early death of his father, and to the fact that the entire family was poor and most of their time and effort had to be directed toward making a living. He was only fourteen when he accepted a clerkship, which enabled him to help his mother and sisters with the family's financial position. At seventeen he moved to Baltimore, where he took a job as a clerk in a bank, but poor health forced him to return to his birthplace where he started a small mercantile business for himself. He became a fine merchant and financier, energetic and tactful. He very efficiently substituted his lack of scholastic training with shrewd practical wisdom and a steadily increasing fund of general knowledge.

In 1835 he sold his business and went to Galena, Illinois. There, in 1836, he married Electa Jane Harris, who bore him two daughters. His


wife died in 1844. In Illinois Hooper engaged in mercantile pursuits where he participated in such work as merchant, miner, smelterer, and steamboat proprietor. He built several steam vessels, and was a steamboat captain on the Mississippi. The high water disaster near St. Louis in 1847, left him penniless and he began life again as clerk at the Planter's House in that city.

In the spring of 1850, Hooper came to Utah under the contract of Holladay and Warner, merchants who had decided to establish a store in Salt Lake City. He was not then a member of the Mormon church, but on December 24, 1852, he married Mary Ann Knowlton, a Mormon girl, and this alliance led to his conversion, about a year later.

His political experience began with his election to a seat in the territorial Legislature in 1856, and in 1857 was appointed by Governor Brigham Young, Secretary pro-tem of the Territory, succeeding Almon W. Babbitt who had been killed by Indians while crossing the plains the previous years.

Thirty-sixth Congress, 1859-61

Election of 1859. In 1859 came his first election as delegate to Congress. A public meeting was called in Salt Lake City July 2, 1859, at which time Horace S. Eldredge's name was presented and nominated as delegate to Congress.

A second public meeting was called for July 20. At this meeting Orson Hyde remarked that Eldredge had been absent from the territory during the greater part of the previous year and from late advices

1 Her daughters followed her in death in 1854 and 1866.

2 Edward W. Tullidge, History of Salt Lake City, Biographical Supplement, (Salt Lake City, Utah: Star Printing Co., 1886), 70.
probably would not arrive home until some time after the election. Whereupon, on motion by Hosea Stout, William Hooper was nominated for delegate to Congress from Utah and was recommended to the electorate of the territory for their votes at the next general election.\(^1\)

There was no other active candidate running for the office. Consequently, Hooper was not forced into any program of campaigning except for a few local speeches in and around Salt Lake City. He had been endorsed by the church leaders and had received a promise of support from each of the counties throughout the territory. The voters went to the polls on August 1, 1859, and Hooper received all of the votes but twenty-three.\(^2\) He succeeded John M. Bernhisel in office who, as we have seen, retired from Congress because of his desire for relief from the strains of national government and responsibility.\(^3\)

The Utah War had somewhat interrupted the relations between Utah and the nation. In the eyes of the American public, Utah had been in rebellion, and it was under this aspect of affairs that Hooper went to Congress in August of 1859. The task before him was arduous. Notwithstanding, his constituents held that they were in the right in the controversy which had nearly come to bloodshed.\(^4\) Delegate Hooper well knew that the general public took another view of the entire

---

\(^1\)"Journal History," entry for July 20, 1859.

\(^2\)Cedar Valley cast 53 votes for Hooper, 20 for W. J. Osborn, and 3 for Garland Hurt. Camp Floyd was located in Cedar Valley, explaining the votes cast against the church candidate.

\(^3\)B.H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, (Salt Lake City, Utah: Deseret News Press, 1930), IV, 500.

matter. According to Tullidge, however, Hooper possessed a great advantage which enabled him to work with the situation. This advantage was in his thorough appreciation of the views of both sides. Therefore, while the delegate was prepared to stand by his people, in the defense of all their constitutional rights, and to ward off any new difficulty that might arise, he was equally ready to "see eye to eye" with members of Congress. Concerning this matter, Tullidge has written:

Fortunately ... when Hooper went to Congress as delegate in 1859, the members were disposed to humor the Mormon view of the Utah expedition and troubles, and he in turn humored them most politely. The public, and especially journalists, and congressmen, were only too willing to treat the Utah War as Buchanan's affair, and wipe the hands of the nation of it. With this feeling came the good-natured inclination to let the Mormons have all they asked for, if they only asked in reason. The Congress had a Utah delegate of a most sagacious, practical turn of mind, who understood his points too well to ask for more than was certain to be granted, contenting himself in working up a good feeling toward his constituents.1

President Buchanan chose to ignore the whole Utah issue in his message to the Thirty-sixth Congress, December 27, 1859. Other federal officials, however, were not content to do so. Mormons were blamed for having encouraged the Indians to fight the white man. Furthermore, it was made clear by some cabinet members that the troops were going to be withdrawn from Utah during the coming year not because conditions there were satisfactory, but because "in the present state of affairs the army could do nothing about them. I am satisfied that the preservation of rights and justice, through the means of any jurisprudence known or recognized by the people of the United States is impossible ... ."2


The legislators who received these reports took only enough time from the slavery question and the pending election to express a few opinions concerning Utah.

Though the Utah controversy was still quite actively subject to the discrimination of the general American public, the Baltimore Republican gave the following favorable introduction to Hooper upon his arrival in Washington to take his seat in Congress:

Mr. Hooper ... is a man of superior intelligence and energy, and activity, fine manners and address, and who in his frank and open intercourse will do much---whatever may be the faults of his people---to remove those prejudices which---whether rational or not---have hitherto prevailed against the Mormon people.

... How far Mr. Hooper will succeed in removing the prejudices that exist in Washington and elsewhere against the people of this Territory, we are unable to predict. That he will do his duty as the representative of the people who elected him, and advocate their rights on the floor of Congress and on all proper occasions wherever he may be, we have no doubt, and if those who have reposed confidence in his integrity and ability are disappointed when his term of office shall have expired, we do not know who can safely be entrusted with the interests of any community.1

The Morrill anti-bigamy bill, 1860. Now that the Utah War issue had been settled, congressmen disposed to supporting vigorous anti-polygamy action began to plan. The result became apparent with the introduction of House bill (No. 7). Introduction was made by Justin S. Morrill (R-Vt.) on February 15, 1860. It was a bill "to punish and prevent the practice of polygamy in the Territories of the United States and other places, disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah."2 This was the

---

1This article was reprinted in the Deseret News, February 8, 1860.
2Congressional Globe, 36th Congress, 1st Session, 793.
first challenge thrown out to Delegate Hooper on the problem of polygamy. It was insured of some attention by the adoption a few minutes later of Thaddeus Stevens' (R-Vt.) resolution "to inquire into the expediency of prohibiting polygamy in the Territories, and so to modify the laws of Utah as to make the future commission of that offense penal in that Territory."  

This bill was referred to the Committee on Judiciary and on March 14, 1860, the Committee, represented by Thomas A.R. Nelson (D-Tenn.), reported that they recommended passage of the bill.  

This bill to punish and prevent the practice of polygamy in the Territories and other places of the United States carried the following preamble:

Whereas it is admitted that polygamy is permitted by the municipal regulations of one of the Territories of this Union, and is sought to be justified on the ground that this abomination in a Christian country is a religious rite of the inhabitants of said Territory; and whereas no principle of self-government or citizen sovereignty can require or justify the practice of such moral pollution.  

Section one contained a definition of polygamy and provided for the following punishment: a fine not exceeding $500 and imprisonment for not less than two nor more than five years.  

Section two disapproved and annulled all acts of the legislatures of the State of Deseret and Utah Territory which incorporated the Church of Jesus Christ of Latter-day Saints, and all other acts which "establish, support, maintain,  

\[1\text{Ibid., 793, 796.}\]  

\[2\text{Ibid., 1151.}\]  

\[3\text{Ibid., 1559.}\]  

\[4\text{See Chapter IV.}\]
shield, or countenance polygamy.\textsuperscript{1} This was the first of many attempts to undermine polygamy and destroy the political and social solidarity of the Mormon community through repealing the church charter, a step which was finally taken in the Edmunds-Tucker Act of 1887.\textsuperscript{2}

The bill was warmly debated on March 28 and April 2-5, 1860. That the discussion was colored by the slavery question is evidenced by the following words of Lawrence O'Bryan Branch (D-N.C.):

\begin{quote}
The question whether we shall pass a general law rendering criminal this practice in all the territories of the Union brings up a different class of consideration altogether. I will suggest to my friends upon this side of the House, that if we can render polygamy criminal, it may be claimed that we can also render criminal that other "twin relic of barbarism," slavery, as it is called in the Republican platform of 1856.\textsuperscript{3}
\end{quote}

Branch offered an amendment to the bill that would have been acceptable. It was his plan to substitute for section one of the bill a provision vesting the legislative power of Utah in the governor and a council of thirteen citizens of the territory, to be selected by the President with the advice and consent of the Senate.\textsuperscript{4} It was thought that if the proper persons were appointed to the council, local legislation against plural marriage would follow, and the issue of national power over "domestic institutions" in the territories could be sidestepped. When the amendment finally came up for a vote it was

\textsuperscript{1}The full provisions of the bill may be found in \textit{Congressional Globe}, 36th Congress, 1st Session, 1151.

\textsuperscript{2}See Chapter VIII.


\textsuperscript{4}\textit{Congressional Globe}, 36th Congress, 1st Session, 1500. In defending the amendment, Branch declared "that polygamy may continue to exist in Utah before I will vote to eradicate it by means of the first section of this bill."
defeated 47 to 151.¹

A rather severe measure was proposed by John A. Logan (R-Ill.) in a substitute bill to repeal the organic act of 1850 and divide Utah into two parts, to be joined to the territories of Nevada, and Jeffersonia (Colorado), whose creation was being considered in Congress at the time.² This proposal failed to gather the desired support and was substantially defeated by a vote of 36 to 159.³

It was the tendency of Congress to think of slavery and polygamy as two closely related subjects. It was with this attempt to correlate the two that Morrill and his advocates pushed for the passage and enactment of his bill. Roger A. Pryor (D-Vt.) disputed the classification by stating that polygamy was not only unknown to the Constitution, but was repugnant to every principle of republican government. This being the case, he contended that the prohibition of the one system by an exertion of federal power in no way impaired the security of the other. He further stated that some people understood polygamy to be an institution of the Mormon church, and, as such, to enjoy impunity under that clause of the Constitution which forbids the enactment of any law in restraint of religious liberty. Pryor contended that it was not true that polygamy pretended to any religious sanction or that the Mormons practiced it as a pious observance. He was quickly corrected by Hooper at this instance when the Utah delegate admitted that the practice was recognized by the Mormon church.⁴

¹Ibid., 1558.
²Ibid., 1411-1412.
³Ibid., 1558.
⁴Ibid., 1496.
Some representatives opposed the Morrill bill on the ground that it would inevitably remain a dead letter. Declared Lawrence M. Keitt (D-S.C.): "And what have you gained by this enactment? You must carry it out through Mormon juries and Mormon agencies, or you must suspend trial by jury and declare martial law ... ."¹ Many of the bill's supporters acknowledged this fact, and their viewpoint was expressed by John S. Millson (D-Va.):

But we are told that his law, if it should be passed, will be inoperative—that it will not be carried into execution. How do you do that? It may be; it may not be. But what then? We shall have acquitted ourselves of our duty. We shall have wiped away a reproach from the national reputation. We shall have put upon the state-book our condemnation of this crime. There may be a criminal sentiment in Utah, as there may be mawkish sentiment elsewhere, that may obstruct the operation of this law, as the operation of the law against slave trade has been obstructed. What then? We shall have put upon the state-book our legislative opinion of the crime and of its proper punishment. Let the responsibility rest, then, upon those who may, in violation of their oaths, choose not to execute any of its provisions.²

The letters of Judge Drummond and similar commentaries on Utah affairs, and tales of Mountain Meadows and other high crimes were cited as unimpeachable indictments of the Mormons.

Delegate Hooper was finally heard briefly before the voting on the bill began on April 5, 1860. His statement was prophetic of the results which the anti-polygamy proposal did bring when finally enacted in 1862:

I beg ... all to hear me say, then, upon my honor as a gentleman, that the passage of this bill will not be unacceptable to the extreme advocates of polygamy in the Territory of Utah. It will entitle them to accuse of luke-warmness and disaffection to the common cause all those who hesitate to defend it as an institution. Sir, it will unite us all in opposition to the unjust pretensions

¹Ibid., Appendix, 198.
²Congressional Globe, 36th Congress, 1st Session, 1494.
of the national Government to put it down by force.¹

With the unessential preamble eliminated, the bill passed the House 149 to 60.²

The bill was introduced into the Senate on April 5, 1860, and was referred to the Committee on Judiciary.³ A report was given by the committee on June 13,⁴ but no further action was taken by the Senate on this bill during the Thirty-sixth Congress. Its primary significance, therefore, was as a forerunner, for the identical measure was introduced by Representative Morrill in the next Congress, and this time it became law.⁵

Expenses for the suppression of Indian hostilities. Hooper next turned his attention to making possible the refund to the Territory of Utah the expenses incurred in suppressing Indian hostilities, especially in the year 1853. The bill was first introduced to the House March 23, 1860. The bill was read the first and second time and referred to the Committee of the Whole House and ordered to be printed.⁶ No action was taken on the bill until May 4 when Hooper asked that it be taken up and acted upon.⁷ According to the House calendar the bill was not to come up for debate until a later date, however, Delegate Hooper had been ill for some four weeks and desired to leave the city of Washington.

¹Ibid., 1558.
²Ibid., 1558-1559.
³Ibid., 1551.
⁴Ibid., 2909.
⁵Congressional Globe, 37th Congress, 2nd Session 1581, 3082.
⁶Congressional Globe, 36th Congress, 1st Session, 1334.
⁷Ibid., 1924.
Therefore, he requested that the bill be acted upon before he left the city because, as he stated, "I have much feeling in regard to the matter, and feel desirous to have it passed. I know personally that the claim is equitable and just. I hope there will be no objection to the proposition I submit."¹ There was no objection and the bill was put before the members of the House for debate.

Hooper's bill directed:

... that there shall be allowed and paid to the Territory of Utah, the sum of $53,512.20 to reimburse the Territory for expenses incurred in suppressing Indian hostilities in the Territory in 1853, being the amount so expended, less the excess paid to officers and soldiers by the Territory, over the rates allowed to the United States troops serving on the Pacific coast in the same year.²

The bill was laid aside, to be reported to the House with a recommendation that it pass.

After passing the House it was referred to the Senate May 7, 1860, read twice, and immediately referred to the Committee on Military Affairs and Militia.³

There was nothing done on the bill throughout the remainder of the First Session of the Thirty-sixth Congress. Not until February 23, 1861, in compliance with Hooper's request, was the bill brought up for debate in the Senate. It took only a matter of minutes until the bill was ordered to be read for the third time and then it passed without amendment.⁴ The bill became a law, with the signature of the President, February 27, 1861.⁵

---

¹Idem.
²Idem.
³Ibid., 1936.
⁴Congressional Globe, 36th Congress, 2nd Session, 1132-33.
⁵Ibid., 1302.
Upon the passage of the bill, Brigham Young informed Hooper that he felt that the provisions were tolerably fair and he expressed his gratitude to the delegate for a job well done. Though Brigham Young was not an official territorial office-holder at this time, Hooper was in constant contact with the church president.

An effort for statehood, 1860-61. During the 1859-60 and 1860-61 sessions of the Territorial Legislative Assembly various memorials were passed and forwarded to Hooper for presentation in Congress. Brigham Young advised Hooper to present them at the first opportunity. It was not until the Second Session of Congress, however, that the desired opportunity came. On December 31, 1860, Hooper obtained the floor of the House and presented a memorial from the people of Utah, praying to be admitted into the Union as a state. The memorial was accompanied by a copy of the proposed state constitution. The Utah delegate moved that it be referred to the Committee on Territories, to which the House agreed.

It was mainly at the suggestion of Hooper that the people of Utah make this attempt for statehood because it was at a time when the nation was in a turmoil over the pending secession of the Southern States. Hooper, in a letter from Washington to Apostle George Q. Cannon December 16, 1860, said:

I think three quarters of the Republicans of the

1Letter from William H. Hooper to Brigham Young, April 26, 1861, (MS located in the Church Historian's Office, Salt Lake City, Utah).

2For a cumulative list of these memorials see Acts, Resolutions and Memorials Passed by the Legislative Assembly of the Territory of Utah During the Tenth Annual Session for the Years 1860-61, (Salt Lake City, Utah, 1861).

3Congressional Globe, 36th Congress, 2nd Session, 219.
House would vote for our admission, but I may be mistaken. Many say that they would gladly swap the Gulf States for Utah. I tell them that we show our loyalty by trying to get in, while others are trying to get out, notwithstanding our grievances, which are far greater than any of the seceding States; but that I consider we can redress our grievance better in the Union than out of it. ¹

This was the view expressed by the people of Utah through Hooper at a time when things looked pretty much in favor of the South. At this time when other states had seceded, Utah proved she was very much in favor of the Union, the Constitution, and the flag by seeking admission.

This attempt for statehood, however, suffered the same fate of previous attempts in that it failed to get beyond the committee to which it was referred.

This did not, however, shake Hooper's determination to have Utah admitted as a state. On February 18, 1861, he informed the House that at the proper time he was going to introduce an amendment to the act that was to allow the admission of New Mexico. This proposed amendment of Hooper's was the admission of Utah. He was almost sure that the New Mexico bill would pass, and felt that if he could attach his amendment to the legislation Utah could become a state by this "backdoor" method.

Yet, when the proper time, March 1, 1860, did arrive to get Utah into the Union by this method, cries of objection prevented the amendment from being offered. ² New Mexico was not to see statehood either for another fifty-two years.

Memorials for better communication and transportation. Hooper


²Congressional Globe, 36th Congress, 2nd Session, 1327.
presented two memorials to Congress asking for more and better mail service. The first memorial asked for the establishment of a daily mail service from Omaha via Salt Lake City to Sacramento, California. This memorial fully explained that the increase of business and the rapid rise of settlements in the West demanded this service. A semi-weekly mail service from Fillmore to Los Angeles was asked for in the second memorial. Both were referred to the Committee on the Post Office and Post Roads, and ordered to be printed.\(^1\)

The next memorial presented in behalf of Utah was on asking that a railroad be built "from some point on the Missouri river to Sacramento, California, via either the Box Elder or Lodge Pole Creek Pass, in the Black Hills, Bridger Pass, in the Rocky Mountains, Timpanogos or Provo River, and the most practicable pass in the Sierra Nevada Mountains."\(^2\)

Still another memorial asked for a further appropriation of $3,000 to the Utah library.\(^3\)

Though Congress did not act on all the memorials presented by Hooper, a series of post or mail routes were established by Congress for Utah Territory.\(^4\)

The unpaid sessions of the Legislative Assembly of Utah. A matter of importance that Delegate Hooper was successful in dealing with was the unpaid sessions of the Legislative Assembly of Utah. It seems that the Secretary of the Treasury refused to reimburse Utah for two sessions of the Utah Legislative Assembly, while Hooper was acting

\(^1\text{Ibid.}, 411.\)
\(^2\text{Ibid.}, 773.\)
\(^3\text{Idem.}\)
\(^4\text{For a list of these routes see Ibid.}, Appendix, 324.\)
secretary of said Assembly, on the grounds that Hooper was not the lawfully appointed secretary. Fortunately, the Attorney General, Jeremiah S. Black, saw the matter in a different light and issued a decision favorable to Hooper. His opinion was based on the fact that the State Department had acknowledged Hooper as an officer by allowing him to hold the place undisturbed for nearly two years, and afterward had paid him his salary. He further stated that it was his opinion that if Hooper was the acting secretary of the territory, though he was not regularly appointed, a public obligation created by debts could not lawfully or justly be repudiated on the mere ground that his title to office was defective. As a result of the Attorney General's opinion of the case, the Utah delegate was successful in acquiring the necessary legislation to allow for the reimbursement of the unpaid legislative sessions.

Throughout the entire congressional career of Hooper, President Brigham Young urged the delegate to use all the influence possible in having residents of Utah appointed as territorial officials. Most of the officers chosen for territorial positions in Utah were Gentiles and, with the exception of a few, they could not, or would not, make a harmonious adjustment to Mormon culture.

In spite of the efforts made by Hooper in this direction, the President continued to insist on appointing Gentiles and non-residents to these key positions.

Hooper's first term ended in the summer of 1861. Though he was destined to serve four more terms as Utah's delegate, four years were

---

to elapse before he was returned to the national body. In the interim, John M. Bernhisel was returned for his final term, and John F. Kinney was sent for a two year term.

Hooper had been quite successful in his initial two years as Utah's delegate and Utah had met a very fair adjustment and had risen to political importance in the nation. Though he would have been willing to return to the capital city in 1861, the Utah citizens thought it proper to return John M. Bernhisel.
CHAPTER IV
JOHN M. BERNHISEL, 1861-62

Thirty-seventh Congress, 1861-62

Dr. Bernhisel's respite from the toils of Congress was short-lived. He willingly answered the call of his constituency and returned to Washington for the Thirty-seventh Congress of 1861-62. Tullidge doubted the wisdom in sending Bernhisel back to the capital city and claims that the major reason for so doing was merely as "recognition of the past services of that gentleman, before his final retirement from public life."¹

An attempt for statehood, 1862. Bernhisel's fifth and final term in Congress was completely dominated by the vexing issue of polygamy, and an ambitious attempt to gain statehood. Early in 1862, Utah Territory again decided to make an attempt to gain statehood. The General Assembly chose William H. Hooper and George Q. Cannon as senators for the proposed State of Deseret. They journeyed to Washington where they met with Dr. Bernhisel and drew up plans in preparation for presentation of their memorial before Congress. The constitution and memorial were presented in the House of Representatives by Delegate Bernhisel on the 8th of September, 1862, and in the Senate the following day by Vice-President Hamlin. There was a motion presented by Milton S. Latham (D-Calif.) that the constitution and memorial be printed and that the senators-elect, Hooper and Cannon, be admitted to the floor of the Senate. The motion was referred to the Committee on Territories.

Bernhisel, Hooper, and Cannon labored diligently to secure for their constituents the coveted boon of state sovereignty, and to impress congressmen with the justice and rightfulness of their cause. But all in vain. They had informed their Utah friends, however, that they had been quite successful in removing from the minds of statesmen, editors, and men of influence generally, much prejudice in relation to Utah and her people. Even this "accomplishment" was of little significance. Their efforts to transform the Territory into a State were fruitless. However, they had gained much respect from members of Congress over Utah's loyalty and willingness to stand by the Union in the hour of extreme peril being caused by the crucial moments of the Civil War.

Anti-bigamy law of 1862. There was another barrier to Utah's admission, and one that was destined to disallow Utah the right of statehood for many years to come. It was the Mormon practice of polygamy which the Republican party, now in power, in its original platform had coupled with slavery and stigmatized as "twin relics of barbarism." Probably at this period polygamy was the main objection in the minds of the majority of congressmen. This is evidenced in the attitude taken by Whitney:

Had the Mormons been willing to abandon polygamy in 1862, thus meeting the Republican party half way, it is not improbable that Utah, in view of her loyal attitude, might have been admitted into the Union; provided of course that the bug-bear of an alleged union of Church and State, of priestly influence in the politics of the Territory, had not acted as a deterrent to those who, barring these considerations, professed to be friendly to her people.\(^1\)

The controversial arguments concerning polygamy prior to 1862 were constitutional, social, and religious in character. While opponents

\(^1\)Whitney, op. cit., II, 59.
deplored the existence of the institution, they often sadly confessed the constitutional inability of the government to effectively cope with it.

Three full decades of organized and well-sustained effort to check, curb, and finally destroy polygamy began with the passage of the first anti-polygamy act of 1862. With the passage of this act, polygamy began to fight a losing battle. The moment polygamy was put under the political ban, it became a proscribed institution and its destruction was inevitable.

The bill in question was introduced in the House of Representatives on the 8th of April, 1862, by Justin S. Morrill (R-Vt.).¹ It was read twice and referred to the Committee on Territories. Being reported back on April 28, 1862, with a recommendation that it pass, the bill (No. 391) was read again.²

Though Delegate Bernhisel protested the passage of the bill, both in the committees and on the floor of the House, he painfully discovered that he was unable to favorably influence his colleagues. The anti-polygamy bill passed the House with enthusiasm and was sent to the Senate on May 3, 1862.³ Without any debate that would result in any constructive change or alteration of the bill, it passed the Senate.

¹ Congressional Globe, 37th Congress, 2nd Session, 1581. For excerpts of the bill see Appendix A, 285.
² Ibid., 1847-48.
³ Ibid., 2031.
The bill, which was formally called "A bill 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," consisted of three sections. Section one declared polygamy a crime punishable by a fine of not more than five hundred dollars, and by imprisonment for a term not to exceed five years. Section two disapproved and annulled certain acts passed by the Territorial Legislature of Utah which tended to establish or support polygamy, and especially an ordinance incorporating the Church of Jesus Christ of Latter-day Saints, passed in 1851. The final section provided that no corporation or association for religious purposes should hold real estate in any of the territories of a greater value than $50,000.

Thus was passed the first direct congressional enactment against the Mormon church. The anti-bigamy act of 1862, however, failed to yield the desired influence. Only one conviction was secured under it in twenty years, and that was of a man, who, for test-case purposes, furnished the evidence which convicted him. The law, however, was the forerunner

---

1 Ibid., 2507. One of the two votes cast against the passage of the bill was that of Mr. Latham of California. On his way to Washington, in November, 1862, Latham passed through Salt Lake City, and by resolution of its council was tendered the hospitality of the city during his sojourn there. The Senator returned his thanks for the courtesy, which, owing to his short stay, he was unable to accept. The offer was in recognition of the minority vote against the anti-polygamy bill, and of other courtesies rendered by Latham to Utah's representative at the capital.

2 This was the case of United States vs. George Reynolds. Reynolds was finally convicted in January, 1879, when the U.S. Supreme Court upheld the constitutionality of the anti-bigamy law of 1862.
of other acts of Congress, also directed against certain tenets of Mormonism. Thereafter, what had been socially permissible and legally possible, became suddenly branded as a serious offense against the statute law of the country, an illegal and even criminal offense, a social and religious crime, something hideous and infamous.

Tullidge feels that had William H. Hooper been returned to the Thirty-seventh Congress instead of Bernhisel, the congressional action against Utah would have been less formidable:

Notwithstanding that in the Thirty-sixth Congress Utah had met a very fair adjustment, and that it was indeed the only one in which Utah, up to this date, had risen to anything like political importance in the nation, the Hon. J.M. Bernhisel was returned to the Thirty-seventh Congress. This may have been intended as a recognition of the past services of that gentleman, before his final retirement from public life, but it is evident that he was not so well fitted for the post as Delegate Hooper. Dr. Bernhisel was originally rather a professional than a political character, something of a Mormon elder in Congress, representing a religious people, whereas, Hooper was a successful merchant, and full of political sagacities. It is true the latter might not have been able to have prevented the passage of the anti-polygamic bill of 1862, but he certainly would have rallied a host of political friends against it. Without wasting his strength to show the "unconstitutionality" of the bill, he would have adopted the more practical line of argument that the bill must, from its very nature, remain inoperative for years, thus giving, tacitly, a license for the continuation of polygamy. This has been abundantly recognized by members of Congress since. The bill of 1862 has been considered by them to be as great a nuisance as polygamy itself. But the Thirty-seventh Congress, in its innocence, passed that bill, committing almost as great a blunder as did Buchanan in the case of the Utah War.¹

The year of 1863 marked the close of John M. Bernhisel's congressional career. At the end of the Thirty-seventh Congress he firmly expressed his desire to remain in Salt Lake City and become engaged in business. A long and most turbulent career in Congress had

¹Tullidge, op. cit., I, 372.
ended. Few men have served in Congress during such critical times and retained the confidence and friendship of both colleagues and constituency, as did Dr. Bernhisel. He worked diligently and tirelessly, representing a strange and peculiar people in the halls of Congress. Though his influence in Congress and at home in Utah began to wane somewhat during the last few months of his tenure, he succeeded in creating certain opinions and attitudes that were destined to be leading factors in establishing a sound government for Utah. He took upon his shoulders the great task of being the first Delegate to Congress representing the people and interests of the Territory of Utah. He fulfilled this responsibility with a great deal of pride and integrity.

In later life Dr. Bernhisel was unfortunate in business, having invested in mines that proved unprofitable. Though failure marked his last days he was still amiable and hopeful, always a true gentleman. He died at the age of eighty-three at his home in Salt Lake City, September 28, 1881.
CHAPTER V

JOHN F. KINNEY, 1863-1865

John F. Kinney was one of the several Gentiles who lived among and served the Mormons in Utah. His work and determination in behalf of Utah won for him the respect and admiration of the church and Territory. He accepted his many calls to public service willingly and always endeavored to serve his constituency faithfully and tirelessly.

Judge Kinney was a brilliant man, and he soon won golden opinions from both constituents and strangers by his eloquent efforts in Congress.

But he was not essentially identified with the destiny of Utah, although a constant friend of the people, and it became evident that the congressional career of a Gentile, representing a purely Mormon constituency, must tend more to his political advancement than to their potency. He might of built a pinnacle on their political destiny; they could build nothing on his political fame. In justice, however, it would be said that Judge Kinney served his constituents well and faithfully.

John F. Kinney was born to Dr. Stephen Fitch Kinney and his wife Abbie Brockway in New Haven, Oswego County, New York, April 2, 1816. His parents were financially able to give him the educational opportunities that he desired enabling him to pass through the public and select schools and finally making it possible for him to enter the law office of Orville Robinson, with whom he studied law for two and a half

---

1Biographical and important material on John F. Kinney is available in Orson F. Whitney, History of Utah, (Salt Lake City: George Q. Cannon & Sons Co., 1904), IV, 668-71; at the time of his death, the Salt Lake City newspapers printed short biographies in connection with obituaries, see Deseret News, August 16, 1897, and Salt Lake Tribune, August 16, 1897.

years. He resumed his law studies in Marysville, Ohio where he was admitted to the bar. It was in Ohio that he met and married Hannah Hall and for four years, 1840 to 1844, successfully practiced his profession.

In the summer of 1844 he settled in Lee county, Iowa, close to the section then inhabited by the main body of the Latter-day Saints. While in the state of Iowa he held the offices of secretary of the Legislative Council, prosecuting attorney, president of the State Democratic Convention, justice of the Supreme Court, and for six years was judge of the Supreme Court.¹

In August of 1853 he was appointed, by President Franklin Pierce, Chief Justice of the Supreme Court of Utah. In the spring of 1854 Judge Kinney, his wife and four children left eastern Iowa for Utah. They had their private conveyance and were about four months in making the journey. On their way, Mrs. Kinney gave birth to a son.

The Kinneys were made welcome in Utah by a grand ball given by the Territorial Legislature in their honor. Kinney arrived in Utah at a time when the re-appointment of Brigham Young as Governor and Superintendent of Indian Affairs was pending in Washington. To show his early loyalty to the Utah cause, the judge joined with most of the leading Gentiles then in Utah in signing a petition to the President of the United States, asking for the re-appointment.²

Judge Kinney resided in Utah until the spring of 1856, when he and his family returned to Iowa, to afford his children a better opportunity for attending school. He was absent from Utah when trouble began that

¹Orson F. Whitney, History of Utah, (Salt Lake City, Utah: George Q. cannon & Sons Co., Publishers, 1892-1904), IV, 668.
²Ibid., 538.
culminated in the sending of federal troops to Utah in 1857. It had been inferred that the federal courts in Utah were interfered with and the federal officers constantly insulted and annoyed by the Mormons. Judge Kinney had no such story to tell. He stated that he held his sessions of court without interruption and "administered the law alike to Mormon, Jew, and Gentile, without interference." President Buchanan was pleased with the services of Kinney and appointed him to his former position as Chief Justice of Utah in July of 1860.

The judge stated, regarding his second term as Chief Justice of Utah, that "the District and Supreme Courts were held, not only without interruption, but with the moral support of the Church authorities." In July of 1863 Judge Kinney, who was a staunch Democrat in politics, was removed by a Republican President--Abraham Lincoln. Tullidge feels that he probably was removed from his office for too faithfully serving the Mormons. An entry in the Deseret News of May 13, 1863, indicating that Kinney was to be replaced, expressed the concern and disappointment of the Utah people over his removal. John Titus of Pennsylvania was named to replace him; he arrived in Utah to assume his responsibilities on August 7, 1863.

Thirty-eighth Congress, 1863-64

Election of 1863. The Mormons were grateful for what Judge Kinney

---

1Brigham H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, (Salt Lake City, Utah: Deseret News Press, 1930), IV, 215-228.

2Whitney, op. cit., IV, 669.

3Idem.

4Tullidge, op. cit., I, 373.
had done for them and their territory. They were resolved that the 
Chief Justice should not go from them in disgrace or without a 
knowledge of their gratification. Accordingly, the citizens of Salt 
Lake City nominated him as delegate to Congress and sent an appeal to 
the entire territory to support them in the nomination. In announcing 
his nomination to the public, the *Deseret News* said that it was with 
unfeigned pleasure that the judge's name was presented and heartily 
endorsed the nomination. The *News* encouraged the people of the 
territory to support the nominee at the August election by unanimously 
casting their ballots for him.¹

The counties of the territory were unanimous in their nomination 
of the judge. Typical of how this nomination was endorsed throughout 
the territory is the case of Provo City, Utah county. The occasion 
was a church conference at which the church Presidency and Judge Kinney 
were present:

The afternoon session being duly opened Judge Kinney was 
called upon for a political speech. The Chief Justice was 
introduced to the vast sea of upturned faces by Prest. Young, 
and delivered an address of one hour and forty minutes 
duration on national Democracy, coupled with an intelligent 
and impartial review of the history of the citizens of Utah. 
The speech was well received and enthusiastically cheered by 
the conference. A motion that the nomination of Chief Justice 
Kinney for our next Delegate to Congress, be concurred in by 
the citizens of Utah County, was carried, when it appeared 
that the Hon. John F. Kinney was the choice of the five 
thousand persons present. No opposing voice was heard and 
ot an opposition vote offered.²

Between the time of his nomination and election, Kinney made a 
thorough canvass of the territory, not so much for the purpose of 
soliciting votes, as becoming acquainted with the needs of the people

¹*Deseret News*, June 24, 1863.

²"Journal History," entry for June 26, 1863.
and of the territory he was to represent in Congress. Brigham Young was quick to recognize the merit of such a thing and requested that George A. Smith accompany the judge on his journey. The people throughout the territory were favorably impressed with their nominee during this canvassing journey.

Judge Kinney arrived back in Salt Lake City the day before the election. The day of voting was a busy one for the candidate. Besides making personal visits to several of the officials and citizens of the city, he delivered a major address. While the election was progressing, by request of the people who had never heard Kinney speak, he made a speech in the Bowery to a large group of citizens, who had assembled on short notice to hear what the judge might set forth of a political nature concerning Utah. His speech, which was principally of a historical character, seems to have been listened to with marked attention. The Deseret News carried several articles for a few days thereafter that highly praised the speech as being one that "was a plain, unvarnished statement of facts and remarkable for containing more of truth and less of political twaddle ... ."

The election was held on Monday, August 3, 1863. The judge had no competition for the office of delegate, consequently the vote was unanimous in his favor. Though the Mormons had unmistakably by-passed some good men who were of the dominant religion and elected a Gentile to represent them in the national Congress, they were willing to recognize the ability and popularity of the judge by placing in his hands the authority to be their delegate. They were also quick to

---

1 Ibid., July 8, 1863.
2 "Journal History," entry for August 4, 1863.
express their feelings and attitudes concerning the unprecedented release of Kinney from his territorial judgeship. Concerning this matter, an article appeared in the Deseret News shortly after the outcome of the election was final.

The annual election on Monday, the 3d, passed off as usual in this Territory, very quietly. The vote in this city and throughout Great Salt Lake County, so far as the returns had been received, up to last evening, was much larger than ever before polled for Delegate to Congress and members of the Territorial Legislature. Hon. John F. Kinney received every vote cast, so far as known, for Delegate. He was the choice of the people and that choice was fully expressed by the electors of this city and county, and unquestionably throughout the Territory—a compliment more deserving and more highly prized, we believe, than was his removal from the Judgeship, by father Abraham, at the request of and in compliance with the intercessions of corrupt demagogues and scoundrels, for no other reasons than for faithfully discharging the duties of his office and because he would hold all the courts in his District required by the laws of the United States and the Territory, which gave offence to the Associate Justices, and other "representatives of Federal Power" in the Territory, who were opposed to the administration of the laws, and sought only to bring evil upon the people for being opposed to their corruptions and abominations.¹

Though the election of a Gentile to represent the Mormons in Congress was an extraordinary thing, Judge Kinney continually championed the cause of the people of Utah and was always regarded by all as a trustworthy friend. Brigham Young has said of the judge:

When Judge Kinney was in Washington, he spoke well of this people. So far as I know, he has never spoken evil of this people; but every time he met an Elder in Washington he received him as a friend, spoke to him kindly, and was not ashamed to walk arm-in-arm with him in the streets of that city. There is a kingdom for him—a kingdom of glory. When they wanted him to come here as Governor, I am told that he said, "Yes, if you will send no soldiers

¹Deseret News, August 5, 1863. For another article of the same type see the Deseret News of September 2, 1863.
there." He has a heart; and I say, God bless him and every other good, honest man, whether he is a "Mormon" or not.1

Refutation of anti-Mormon accusations, 1864. Judge Kinney arrived in Washington, and was seated as delegate from Utah, at a most opportune time. The Thirty-eighth Congress, which convened on the first Monday in December, 1863, was known as "the War Congress." An opportunity for the delegate to appear before the House and make his first defense of the Mormon people came early. On January 26, 1864, Fernando Wood (D-N.Y.) made a speech that accused the Mormons of precipitating the Utah War. Wood, who had been mayor of New York City, was a man of great ability, and a very fine orator. He was the leader of a small party known in Congress as the "Copperheads," those opposed to the suppression of the Southern States' rebellion of that time. He denounced the war for the Union as "a hellish crusade of blood and famine,"2 and incidentally referred to the so-called "Mormon rebellion" in these words:

The profligate outcasts, who have always been hostile to your moral and political institution, were treated with by commissioners. Their rebellion commenced early in 1857. The immediate cause was opposition to the exercise of Federal authority and the appointment of a Territorial governor. On the 15th of September of that year Brigham Young issued a proclamation in the style of an independent sovereign, announcing his purpose to resist by force of arms the entry of the United States troops into the Territory of Utah. He proceeded to carry out his threats. He organized an army, declared martial law, seized government fortifications, destroyed government property and put the Territory in a state of complete defense against the Federal army.3

2Congressional Globe, 38th Congress, 1st Session, 353.
3Ibid., 353.
Mr. Kinney, though but a few days in Congress, and without formal preparation, at once answered this charge. His time was limited to ten minutes by the Speaker of the House, but afterwards it was extended, and he spoke for more than half an hour. He denounced the attack made by Mr. Wood upon the people of Utah as a slanderous accusation.

Kinney declared that if he had the full privileges of a member of Congress, instead of the limited ones of a delegate, he would "introduce a resolution to expel the gentleman from New York as unworthy to occupy a seat upon the floor of Congress."\(^1\)

He denied the existence of any rebellion in Utah at any time and asked the New York representative for his authority when he stated that Governor Young had seized government fortifications and destroyed public property. He further stated there were no government fortifications in Utah at that time, and that none were seized by the governor or by the people of Utah. Finally, he insisted that the federal army had entered Salt Lake City peaceably, without a gun being fired nor a drop of blood being shed.\(^2\) Then followed an account of the labors and successes of the Mormon people in pioneering and colonizing the great American desert. It is obvious, from this account, that the Judge, though not a Mormon, had made a special and serious study of the Mormon people and their history, and understood it well. This account reads in part:

Sir, the people of Utah have under all their discouragements and embarrassments built up a beautiful city in the midst of the great American desert. They are feeding, and have been for years, the employees of the overland mail. They are furnishing the necessary supplies for

\(^1\)Ibid., 373.
\(^2\)Idem.
the purpose of developing the resources of the rich mineral regions which surround them. They have afforded a safe retreat from the Indians to the wayfarer as he passes on his weary pilgrimage to the other side of the Rocky Mountains, for the purpose of developing the resources of the Pacific Coast.1

This speech was very acceptable to the strongly pro-Union House and created a decided sensation. It was extensively copied from the Congressional Globe into leading newspapers of the country. The Deseret News was quick to pick up the story and print it for the Utah people to read. It brought much satisfaction and praise from the Mormons and they were further convinced that they had made the right choice in selecting Judge Kinney to represent their interests in the halls of Congress. This effort gave to its author a prestige which better enabled him to secure legislation favorable to his constituents. He had gained for himself a sort of dynamic and effective personality that was quickly recognized and appreciated by his colleagues in Congress. His first legislative success came with the introduction of a bill to enlarge and increase the mail service in the Territory of Utah. This bill was introduced to the House of Representatives on January 25, 1864 and was immediately referred to the Committee on Post Offices and Post Roads.2 The result was the procurement of a number of post offices for remote settlements that had long suffered for the need of them. These settlements were Grafton, Rockville, Duncan's Retreat, and Springdale in Washington county, Hoytsville in Summit county, and Fairfield in Utah county.3

1 Idem.
2 Ibid., 332.
3 Deseret News, March 2, 1864.
Bills affecting the Utah Indians, 1864. Delegate Kinney championed a bill to extinguish the Indian title to lands in the Territory of Utah suitable for agricultural and mineral purposes. The bill (No. 222) was introduced in the House on February 8, 1864 and was referred to the Committee on Indian Affairs. It seems that the Indians held title to a vast area of land in Utah that had great agricultural potential and held valuable deposits of minerals that would be of considerable value to the economy of Utah and the entire nation. The bill authorized the President of the United States to enter into treaties with the various tribes of Indians of Utah Territory, upon such terms as may be deemed just to the Indians and beneficial to the government of the United States. It was explicit that the treaties should provide for the absolute surrender to the United States, by the Indians, of their possessory right to all agricultural and mineral lands in the territory except such agricultural lands as by treaties may be set apart for reservations for the Indians. It further provided that in agreeing with the Indians upon the amounts to be paid to them under the provisions of the treaties, care should be taken to obtain from the Indians, their consent to receive for such payments agricultural implements, stock, and other useful articles rather than money. Finally, the bill appropriated the sum of $25,000 to carry out the provisions of the act. The bill passed both Houses of Congress and was finally approved as a law on February 23, 1865.

Another bill (No. 220) that directly affected the Utah Indians

---

1 Congressional Globe, 38th Congress, 1st Session, 526.
2 Ibid., 2035.
3 Ibid., Appendix, 117.
was introduced into the House by Delegate Kinney on February 8, 1864.¹

The bill was to vacate the present Indian reservations in Utah Territory and to settle the Indians in the Uinta Valley. On March 8 the bill was reported back from the Committee on Indian Affairs with recommendation that it be passed.² This was a bill, consisting of three sections, that first authorized and required the Secretary of the Interior to cause the several Indian reservations in the Territory of Utah, excepting Uinta Valley, to be surveyed into tracts or lots not exceeding eighty acres each. These tracts or lots were to be sold upon sealed bids to the highest and best bidder. The proceeds of the sales were to be applied to the construction of improvements on reservations that may be established in the future, or to the purchase of stock, agricultural implements, or other useful articles that may seem best adapted to the wants and requirements of the Indians. Section two of the bill authorized and required the superintendent of Indian affairs to collect and settle the Indians of the Territory of Utah in the Uinta Valley. The final section appropriated $30,000 to be expended by the Superintendent of Indian Affairs in the Territory of Utah for the purpose of making agricultural improvements in the Uinta Valley, necessary for the comfort of the Indian tribes, and to enable them to become self-sustaining.³ The bill passed the House without any negative debate.⁴ It was immediately referred to the Senate and, with a few minor amendments, passed April 5,

¹Ibid., 526.
²Ibid., 996.
³Idem.
⁴Idem.
Utah appropriation bill, 1864. On March 12, 1864, the House was reviewing and debating the proposed appropriation bill covering the expenses of the various territorial legislative assemblies. As the bill was being read, Judge Kinney quickly recognized that the bill did not provide for an appropriation for the Territory of Utah. He introduced an amendment to the bill calling for $20,000 for compensation and mileage of the members of Legislative Assembly, officers, clerk, and contingent expenses of the General Assembly. In previous years, Congress had appropriated for the Territory of Utah a sum of $19,500 for the purpose of operating the territorial government and paying the officers. The Secretary of the Treasury had learned that Utah had an unexpended balance of federal money on hand, therefore, felt that it was unnecessary to appropriate any additional funds on their behalf. Delegate Kinney argued that some of that money had been expended since the secretary received his report and that the territory needed more to meet their expenses.

I hope sir that Congress will not discriminate against Utah by withholding the usual appropriation. All the other Territories are provided for and if you will continue our government you must pay our legislative expenses. I see no possible way for our having a Legislature unless this appropriation is passed.

The amendment was adopted. However, the next day in Congress, Kinney changed the amount asked for from $20,000 to $10,000 because "I have since learned the amount still unexpended in Utah Territory,

1Ibid., 1428.
2Ibid., 1041.
3Ibid., 1042.
and $10,000 would be enough added to the balance on hand.\textsuperscript{1} To this change, the House quickly agreed.

Judge Kinney was also successful in supplementing and carrying to conclusion the efforts of Delegate William H. Hooper in obtaining a settlement of outstanding claims of the territory for the expenses of the Indian War of 1850. At the same time, the Judge obtained favorable action at the Indian Department on applications for land warrants for early military service—some two hundred in number. These applications had been ignored and had long remained buried among the files, but on Kinney's personal appeal to the commissioner, the examiner was ordered to take up all such cases. In due time land warrants were issued on every application pending, and forwarded to Salt Lake City for the persons entitled to them.\textsuperscript{2}

Disappointment and failure came quite often to Judge Kinney while in the service of the Territory of Utah. His first one came early, December 17, 1863, when he proposed a resolution before the House that the Committee on Military Affairs investigate reasons why federal troops were still occupying Utah.\textsuperscript{3} It was his proposal that the committee should encourage some sort of legislation or action to have the troops removed from said territory in that there was no need for them to remain any longer. His resolution was turned down without study or consideration.\textsuperscript{4}

Delegate Kinney introduced other memorials, resolutions and bills

\textsuperscript{1}Ibid., 1061.
\textsuperscript{2}Whitney, \textit{op. cit.}, IV, 670-71.
\textsuperscript{3}Congressional Globe, 36th Congress, 1st Session, 40.
\textsuperscript{4}Idem.
in the House in behalf of his constituents that were never considered by the national body. Among these were his bill asking for an appropriation of $5000 for the repair of the territorial penitentiary; a bill asking for $5,000 for the construction of a bridge over the Provo river on the military road from Salt Lake City to the southern line of Utah Territory; and a resolution asking that the Committee on Public Lands inquire into the expediency of providing a law to enable owners and claimants of lands in the cities, towns, and villages in the Territory of Utah to acquire titles to the same. Kinney made a second attempt at getting titles guaranteed to the Utah people for their lands, but no legislative action was taken on this matter until 1868.

Attempt for statehood, 1864. Perhaps the most bitter disappointment during his congressional career was the failure of his attempt to gain statehood for Utah. On March 17, 1864, Judge Kinney introduced a bill in the House for the admission of Utah into the Union. In a very able speech, that took some two hours to deliver, Kinney attacked the right of the federal government under the Constitution to create and organize territorial governments and fully explained the relationship of the territories and the parent government:

Mr. Chairman, Delegates are to a great extent dependent upon the courtesy and liberality of the House for such legislation as their Territories require. With no vote in

---

1 Ibid., 659.
2 Idem.
3 Idem.
4 Ibid., 229.
5 See Chapter VI.
this body, with no one in the other branch of the national Congress directly interested in measures of legislation affecting the welfare of their people, we look to you with a feeling of hope not unlike that which actuates the child when addressing the parent, asking for food and clothing for the nourishment and protection of the body. Indeed, sir, the relation of the Territory to the parent Government may not inaptly be compared to that existing between the child and parent. You, sir; breathed us into existence; by your legislation were we created; by your bestowments did we as an organization maintain our territorial government. The Federal Government as our presiding head, appoints our officers and appropriates the money for paying our executive, legislative, and judicial expenses. All this, yea, more, kindness, attention to, and respect for our lesser wants, are all due from the parent Government during our minority.

But, Mr. Chairman, as the child growing into manhood naturally feels restive under restraint, humiliated by control, desiring to be freed from servient obligation, and to exchange it for the full liberty of noble, dignified manhood, so with Territories; after passing through the restraints of youth and arriving at the full status of State manhood, they naturally long for the liberty, the independence, and blessings which alone are to be found in providing for their own wants and maintaining their own existence.

... it has well been questioned whether a territorial form of government, such as now exists, is consistent with the principles of our republican Government as established under the Federal Constitution ... . What was the old law under the colonial government? I answer, taxation without representation and the appointment of officers to rule over the people without their consent ...

... the war of the Revolution was fought to get rid of this kind of government, imposed upon the colonies to destroy the divine right of kings to rule over the people without their consent, to establish free government, with taxation and representation inseparably united, and to give the people (the source of power) the right to choose their own officers, especially those intrusted with the law-making power ... . The divine right of man to govern himself triumphed; and our republican Government was established, the Federal Constitution was adopted, an elective Congress created, but clothed with certain well-defined powers, and prohibited from the exercise of any but those that were delegated.

... I have referred to the causes of the Revolution, and, as one of those, taxation without representation. Do the people of Territories pay a tax? Most certainly ... . Have they any representation in the Congress ... . Not at all, sir. It is true that each Territory is allowed a Delegate in Congress; but he has no vote and cannot record the will of his constituents upon any of those questions of legislation that may be pending seriously affecting their
interests. It is the right to vote that constitutes representation, and without this right there is not proper representation.¹

Furthermore, the delegate reviewed the hardships endured by the Mormon people in conquering the desert and further refuted the charges of disloyalty that were continually being thrown out against his constituents. His speech was given just a short time after an enabling act had been passed that would lead to statehood for Nebraska, Nevada, and Colorado. In behalf of the cause of Utah, Kinney pleaded with the House in this way:

Mr. Chairman, in forming your new western states it is proposed to jump over Utah and take in Nevada, that is but an off-shoot of Utah, once belonged to her western boundary, has had a territorial existence of only about three years, and has far less population than Utah? It is proposed to take in Nebraska, lying immediately west of the Missouri river, Colorado west of it, and then take in Nevada, and leave out the most valuable and important link in your chain of states to the Pacific? Why, sir, these territories are infants in age and population when compared with Utah. Fourteen years has Utah had a territorial existence, and at no period since her organization has she not had a larger resident population than either Nebraska or Colorado.

In behalf of near one hundred thousand people I protest against this unjust discrimination. In behalf of those who first ... gave you to know and understand that there was a great and mighty west, rich in mineral resources, way beyond the Rocky Mountains, I ask for justice and equality ... . In behalf of those who follow with intense interest and anxiety your flag; whose heart beats in unison with the Constitution and government, and who, if admitted, will be represented in congress by those who will vie with the foremost in sustaining your nationality, I ask that you do not turn them coldly away, and ... reject their petition and prayer. We come to you in friendship and love. We offer you our devotion, our industry, our enterprise, our wealth, our humble counsels in the affairs of the nation in this the darkest hour of our country's history. We present to you for a state your deserts reclaimed and fertilized by persevering industry and the sweat of uncomplaining toil. We offer you one hundred thousand people who can ... with pride point you to their cities, their churches, their schoolhouses, their manufactories, farms, and possessions as

¹Deseret News, April 27, 1864.
evidence of their achievements and the result of their industry. Will you accept this offering? The Constitution invests you with the power; exercise it charitably, deal justly, and decide wisely.¹

Shortly after Delegate Kinney's popular plea for statehood his entire speech was published in the Deseret News for the people of Utah to read. This was the first time that a Utah delegate had delivered such an extensive speech on the floor of the national body, and the citizens of Utah felt that this was the moment for a change in national affairs toward the better for their territory. The Mormons felt that Utah was finally being presented to the nation in an honest and just manner; and it wasn't coming from one of "their own," but from a non-Mormon.

Though the gallant effort of Judge Kinney to gain statehood was sincere and determined, he, like others before him, failed to convince the United States Congress that Utah was qualified to be admitted into the family of states.

During the period of the Civil War, Utah always stood on the side of the Union and the Constitution, ever ready to do her part in defense of the same. There was a continual effort on the part of Utah's delegates to Congress to prove that Utah Territory believed and accepted the principles of democracy set forth in the Constitution and stood ready to loyally defend the flag that had come to mean so much to these people. Delegate Kinney further portrayed the feelings and sentiments of himself and his constituents upon this subject in a resolution that he introduced on May 23, 1864. The resolution was adopted unanimously.

¹Congressional Globe, 38th Congress, 1st Session, 1173. Judge Kinney's speech was also printed in the Deseret News, April 27, 1864.
Resolved ... That the present crisis in the history of this causeless and unjustifiable rebellion calls loudly upon Congress for united patriotic legislation; that while our gallant and self-sacrificing soldiers are, with a courage unexampled either in ancient or modern warfare, sustaining the honor of the nation in the field, they are entitled to the thanks of the country and the hearty support of Congress; and, forgetting for the present all difference upon old party issues, it is the duty of Congress to sustain the constituted authorities of the country in their efforts to suppress the rebellion.¹

Judge Kinney's Congressional career ended after a single term in office. He proved himself to be a very acceptable and ambitious delegate, and though the Utah people would have probably returned him to office, he chose to return to his home in Nebraska. He, a non-Mormon, had represented an almost purely Mormon constituency and had represented them honorably. In appreciation for the fine work that had been done by Judge Kinney the following words of admiration were published in the Salt Lake Daily Telegraph upon his return to Salt Lake City from Washington:

The Hon. John F. Kinney, Delegate from this territory to Congress, arrived in Great Salt Lake City this morning. We called upon "the judge" early and were pleased to see him well, and to bid him, in our own unsophisticated style welcome back to Utah. He has served his constituents in Congress at a very important period of the nation's history, and as far as his record has been visible to us, and we have seen a good deal of it, we know of nothing for which Mr. Kinney has to blush. We are glad to see him at this time, and we have no doubt that he will be warmly welcomed back by every friend of Utah. Of his future movements we will have something to say hereafter, in the meantime we extend to him in the use of our columns for whatever he may wish to say to his constituents.²

After returning to his home in Nebraska, the President appointed him Special Indian Commissioner in 1867. In 1890 he went to San Diego,

¹Congressional Globe, 38th Congress, 1st Session, 2154.
²Salt Lake Daily Telegraph, June 10, 1865.
California, for the sake of his health, where he became prominent in public affairs. After an absence of some thirty-four years, Judge Kinney visited Salt Lake City in July of 1897, coming as a delegate to the ninth annual session of the Trans-Mississippi Commercial Congress. This was a Congress of representatives from all the states and territories west of the Mississippi River who would meet annually to consider existing conditions of the nation generally, particularly of the west, and discuss methods for promoting better welfare and prosperity. The representatives would adopt certain resolutions and have these presented to the national Congress through proper channels. Though Kinney returned again to San Diego, his last few years were spent in Utah, where he died in 1902 at the age of eighty-six. Short funeral services were held in Salt Lake City, after which the body was shipped back to San Diego for burial.
Election of 1865. After serving one term as Utah's delegate, John F. Kinney chose to retire and return to his home in Nebraska. This left the field open for William H. Hooper to be returned to that position. He was, at the time, the most likely person for the office and the people of Utah gave their support by casting their ballots for him. He had no opposition in the election. There were some minor Gentile anti-Mormon sentiments expressed, but nothing that appeared in any organized form.

Hooper now served as delegate during four consecutive terms, 1865-1873, making five in all. He was respected by his fellow congressmen, and had a remarkable influence among them, warding off blow after blow aimed at the people of Utah. During his first term he possessed much power. But Tullidge was of the opinion that after his return to Congress in 1865 he was more potent than ever.

With the return of Hooper to the Thirty-ninth Congress, the prestige of home delegates was restored. His influence was greater than ever, both at home and in Washington. Hooper had by far the greatest influence in Congress; his earnestness in controversy was respected by his Congressional colleagues, even when they were resolutely bent on an anti-Mormon policy; and the very fact that he was a well-known monogomist only rendered his defense of the religious rights of his polygamic constituents more truly American in spirit.¹

That Brigham Young fully endorsed and supported Hooper as the choice for delegate is evidenced by the fact that the Mormon president

¹Edward W. Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Co., 1886), 441-42.
accompanied him on a tour of most of the territory prior to his election in August, 1865. They made a canvass of many of the settlements where they held both church and political meetings. Hooper was given the opportunity of speaking to a large part of the populace and Brigham Young was quick to express his confidence and faith in the ability of the delegate.

A bill to reduce the size of Utah, 1866. For the first few months of the Thirty-ninth Congress nothing very formidable was proposed or carried out against Utah and her founders. However, on May 3, 1866, James M. Ashley of Ohio introduced a Senate bill proposing to enlarge the boundaries of the state of Nevada at a loss to the Territory of Utah of 18,000 square miles leaving but 88,000 square miles. Delegate Hooper told the House that through all his study of the report he could not see any reason for the course which was attempted to be pursued by the passage of this bill. Furthermore, he stated that the bill had earlier passed the Senate, but he had not been notified that such a bill was even pending. He had never been given the opportunity to present his personal views on the bill or those of the citizens of Utah whose interests would be vitally affected by the action. He went on to say:

I believe that course of legislation now proposed is without precedent in the history of the country or its legislation in reference to the Territories. On the simple action of a committee thousands of square miles are taken from one Territory and attached to another without assigning a reason or consulting the people who are to be transferred. It does appear to me a position of this kind, transferring land from one Territory to another, with the inhabitants thereof, is reducing these people, and nothing more nor less, to the condition of serfs; and in behalf of my constituents, the people of Utah, I here most solemnly protest against it.

1Congressional Globe, 39th Congress, 1st Session, 2369.
... the people of Utah were the first to break a path from the Missouri river to the center of this continent. We claim to be the pioneers. We claim to have taken the germ of everything now in that country, over the broken roads and there planted them without any expense to the Government. We have there built up a state of one hundred fifty thousand people; we have built up two hundred fifty grist and saw mills; we have established three cotton factories; we have grown two thousand bales of cotton; we have opened up one hundred fifty thousand acres of arable land, from which not only that State but all the Territories adjacent draw their supplies.

I ask the House, in the name of justice, and in respect to the rights of a people who have done as much as any other to sustain the Government, to reject the bill. 1

The representatives from Arizona and Nevada spoke next and supported the proposed legislation by stating that the area to be taken from Utah was of no use to that territory but was of utmost need to Nevada. They further told the House that the very few people who were living in that 18,000 square mile area cared little as to whether they remained a part of Utah or were transferred to and under the jurisdiction of Nevada. 2

Though Hooper had made an honest effort to influence congressmen to vote against this legislation, it availed nothing. On May 5, 1866, the bill became a law. 3

There were other petitions, resolutions, and bills introduced in both Houses of Congress concerning Utah during the Thirty-ninth Congress whose only real significance was their anti-Mormon tone that they gave to the legislation that started to build and was finally climaxed with the Cullom bill of 1870.

1Ibid., 2369-70.
2Ibid., 2370.
3Ibid., Appendix, 321.
President Johnson was very much opposed to this type of legislation against Utah and her people. It was during this time that Hooper was granted an interview with the President and consulted in the choice of territorial officers to be sent to Utah. Hooper recommended John T. Caine for Collector and Theodore McKean as United States Assessor for Utah Territory. When President Johnson appointed both of them, Brigham Young was most gratified.

We are much pleased to notice the disposition to deal fairly with us which is manifested by President Johnson. It is so rarely that men in authority in these days manifest independence and fairness enough to do us the least justice that it is worthy of notice.1

Settlement of Brigham Young's accounts, 1866. It was during the First Session of the Thirty-ninth Congress that Hooper was finally successful in bringing about a settlement of Brigham Young's accounts as superintendent of Indian Affairs. The act was entitled "An Act making additional Appropriations, and to supply the Deficiencies in the Appropriations for sundry civil Expenses..." and the following is a part of that bill:

For the Indian service in Utah, being for money advanced by Brigham Young, while Governor and ex-officio superintendent of Indian affairs, found due and allowed by the Secretary of the Interior, thirty-eight thousand four hundred and eighty-seven dollars and fifty-three cents.2

The bill was championed through Congress with speed. Brigham Young immediately gave Hooper power of attorney to collect the money.

An appeal to Congress to repeal the anti-bigamy law of 1862. In January, 1867, the Utah Legislative Assembly memorialized Congress,

1Letter from Brigham Young to William H. Hooper, June 16, 1866. (MS located in the Church Historian's Office, Salt Lake City, Utah)
2Congressional Globe, 39th Congress, 1st Session, Appendix, 315.
through Delegate Hooper, for the repeal of the anti-polygamy act of 1862. The reasons assigned for the request were: according to the faith of the Latter-day Saints plurality of wives was a divine doctrine; the doctrine had not been adopted for lustful purposes but from conscientious motives; the enactment of the law whose repeal was desired was due to misrepresentation and prejudice; the Judiciary of the Territory had not tried any case under the law; the memorialists had always been firm and loyal supporters of the Constitution of the United States; and finally, the memorial stated that the territory had enjoyed an unexampled immunity from the vices of prostitution and its kindred evils, and for all these reasons Congress was asked to grant the prayer of the memorial. The Utah Mormons asked to be left free to exercise their religion and its ordinances.¹

Early in the Second Session of the Thirty-ninth Congress, February 6, 1867, Hooper presented this memorial to the House. It was immediately referred to the Committee on Judiciary.² On February 28, the Committee report was made on the memorial accompanied by the following resolution:

Resolved, That it is the sense of this House that the law of the United States entitled "An act to prevent and punish polygamy in the United States" ought not to be repealed, but that it should be fully enforced; and that if the judges of the courts refuse or neglect to enforce same, as alleged in the memorial of the Legislative Assembly of the Territory of Utah, they should be removed from office; and that if for reasons beyond the control of said judges said law is not enforced in any Territory it becomes the duty of the President of the United States to take care it is faithfully executed.³


²Congressional Globe, 39th Congress, 2nd Session, 1314.

³Ibid., 1651. Also see U.S. Congress, House of Representatives, House Miscellaneous Documents, 39th Congress, 2nd Session, No. 27, serial 1302.
The only real significance of this entire memorial presented by Hooper was that it served to further irritate the polygamy problem and cause a stir among the Utah judicial officials. Utah came away from this experience in Congress with a somewhat lessened prestige.

**Indian Appropriation bill, 1867.** On February 5, 1867, a discussion took place in the House on the Indian appropriation bill. Part of that bill read:

... for the general incidental expenses of the Indian service in Utah Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be suspended under the direction of the Secretary of the Interior, $15,000.1

Hooper felt that $24,000 would be more appropriate for these "expenses" and presented an amendment to that effect. He stated "that there is no Territory in the United States which has received less in the way of Indian appropriations than Utah, and no Territory has settled so large a colony with so little expense of money."2 The amendment was agreed to and became part of the final law.

Other memorials were presented by Hooper during this session of Congress in behalf of his constituents. These were all referred to the appropriate committees but nothing came of them during the Thirty-ninth Congress.3

---

1Congressional Globe, 39th Congress, 2nd Session, 1023.
2Idem.
3Ibid., 1024, 1184.
there was no opposition to the Mormon domination of the Utah political situation. However, during the two decade period from 1847 to 1867, Gentiles had become more numerous by the year. With the coming of Gentiles in large numbers in the 1860's came also an agitation that finally led to the placing in 1867 of their first candidate for office of delegate to Congress. The Liberal party (Gentile party) was not yet organized, but the elements that were to compose it were there. Relations between the Mormons and non-Mormons had been tolerable during the 1850's. With the coming of the 1860's, however, the great influx of Gentiles to Utah, coupled with the boycott issued by Brigham Young against all Gentile merchants, these favorable relations deteriorated to mistrust and dislike.

Inasmuch as the next session of Congress was to meet early in March, 1867, there was a call for an early election. At that election was to be chosen a delegate to the House of Representatives for the Fortieth Congress. The delegate for the Forty-first Congress was to be elected at the general election on the first Monday of August, 1868, and biennially thereafter. Thus the election for delegate, which, since the year 1851, had taken place in the odd years was to fall upon the even years, to conform to the custom prevalent throughout the nation.

The Gentile's candidate was William McGrorty, a local merchant. McGrorty at first professed true friendship for the Mormons, attending

1Kate B. Carter, (ed.) Heart Throbs of the West, (Salt Lake City, Utah, Vol. XX, 1949).

2Joe Williams, "Political Parties of Utah" (unpublished Master's thesis, University of Utah, Salt Lake City, Utah, 1933).
their meetings and pretending to accept their beliefs and doctrine.\textsuperscript{1} But the Mormon leaders regarded him as a hypocrite, who was seeking to attain some private end.

The Liberal plan in this election was both interesting and unique. The first part of this plan was perfectly legitimate. It was to run their candidate for Congress in opposition to Hooper. Of course they did not expect to carry the election. But they knew that a few votes would be cast for McGrorty, and he could then take his case to Washington and there contest on various grounds the seating of the re-elected delegate. A number of Gentiles entered into the scheme, and lent their assistance toward making it a success by helping the candidate prepare the argument, several days before the actual election, with which he would go before the House Committee on Elections.

There was very little active campaigning. Each candidate gave speeches in key cities of the territory and Brigham Young accompanied Hooper on a short tour of the territory at which time the Mormon president encouraged his people to support the church candidate at the polls. It should be noted, however, that the early elections (until the early 1880's) featured only one list of candidates. The ballots were numbered so the church officials could identify how every person voted. Consequently, it can safely be assumed that the Mormons did not always vote the way they felt. This was a feature of the Mormon election system that continued to irritate the Gentiles until national legislation was passed against the practice.

\textsuperscript{1}A complete account of McGrorty is given in \textit{Deseret News}, May 27, 1868.
The Hooper-McGrorty contested election, 1867. The election occurred on the 4th of February, 1867. At the polls Hooper received 15,068 ballots to 105 for his opponent William McGrorty, and "Negro Cy" received 6, making a grand total of 15,179 votes cast.1 McGrorty's votes came principally from the little mining town of Stockton in Tooele county. Nevertheless, McGrorty went to Washington and contested Hooper's claim to a seat in the House of Representatives, which, of course, was a part of the pre-arranged plan. The law required that a contestant give notice of contest thirty days after the election; but this McGrorty failed to do, for notice of his intended contest was not served until January 18, 1868, nearly a year after the election.2 He gave as reason for his delay that "he had been fearful of personal violence from the hands of the Mormons."3

His ground of contest was based on the following:

... of the upwards of 15,000 votes cast for Mr. Hooper, eight-tenths were by foreigners who had never been naturalized, and there were other irregularities in the election such as one person presenting a list of voters' names, all of whom were absent from the polls, but voted by this representative as "proxy;" that Captain Hooper had been voted for at the election as representative to Congress from the provisional "State of Deseret"---for whose admission into the Union he was to ask--as well as for delegate to congress from the Territory of Utah; and that Mr. Hooper in certain "endowment ceremonies," administered by the "Mormon" church, had taken an oath of hostility to the United States, "and is, therefore, not a proper person to be admitted to the congress of the United States."4

---

1See the Deseret News, February 12-19, 1868. Someone nominated a colored man commonly known as "Negro Cy," who received 6 votes.

2Congressional Globe, 40th Congress, 2nd Session, 4383.


McGrorty, with the assistance of Mr. C. V. Waite—formerly associate justice of the Utah supreme court—prepared his argument for the contest which consisted of the above mentioned points with general charges of disloyalty against the whole Mormon population of Utah. He further stated that the people of Utah were alien to American principles and sentiment, "and guilty of many crimes, among which were sundry alleged religious murders, or cases of 'blood atonement.'"

The House received this belated notice of contest and referred it to the Committee on Elections.

Hooper made a formal reply to the charges against him and his constituents. He held that McGrorty was not a legal contestant in this matter because he had failed to comply with national law in that he did not file with the Committee on Elections until January 18, 1868, almost a year after the legal thirty day limit to contest an election.

Furthermore, he reassured the House that the Mormons of Utah were loyal to the country and would continue to remain so. To the charge that he had taken a secret oath of hostility in the course of a religious ritual known as the "endowment ceremonial," Hooper answered:

The sitting delegate ... denies that he has ever at any time taken any oath which could in any manner interfere with his duties as a loyal, and law-abiding citizen of the United States; and he further states that to the best of his knowledge and belief, there is no oath taken or required to be taken by the people known as "Mormons," under any rule of their church, inconsistent with their duties as loyal and law-abiding citizens of the United States.

---

1Ibid., 365.

2Congressional Globe, 40th Congress, 2nd Session, 4838-89. The entire speech given by McGrorty is contained therein.

3U.S. Congress, House of Representatives. House Miscellaneous Documents, 40th Congress, 2nd Session, No. 35, serial 1349. Hooper's complete answer can also be found in the Deseret News, May 27, 1868.
McGrorty's charges were so far reaching that the committee was led to investigate almost every phase of Utah history and development which resulted in the accumulation of great quantities of data. This was largely a summary of conditions and affairs in Utah just at the close of the decade of the 1860's.¹

After extensive examination of witnesses and literature on the subject, the House Committee on Elections reported on July 9, 1868, that McGrorty was not entitled to a seat in the House as delegate from Utah, that the sitting delegate (Hooper) was so entitled.² The House, late in July, unanimously adopted the same, deciding that Hooper had been duly and legally elected to the office and was rightfully entitled to the seat he was then occupying. And so ended the first attempt of the Utah anti-Mormon faction to thwart the will of the Mormon people, as expressed at the polls.³


²Congressional Globe, 40th Congress, 2nd Session, 3887.

³Mark Twain, in a letter to the San Francisco Alta., being the adroit humorist that he was, saw a humorous side to this whole contest. This was reprinted in the Deseret News, December 7, 1868. "McGrorty was a great man once—but that was some time ago. It was when he ran for delegate from Utah against Mr. Hooper. Somebody told him to buy a barrel of whisky and run against Hooper—and told him whisky was as good as talent, as long as he could get the one and hadn't the other, and McGrorty did it. He ran against Hooper, he treated the Saints and the Gentiles, he made the best fight he could—and didn't win. He came near it though. He got 105 votes and Hooper himself only got 15,068. There was really only a difference of 14,000 and some odd. A negro called 'Cy' got the rest of the votes—six ... Still when a man comes near being great—comes as near as McGrorty did—comes within fourteen or fifteen thousand of it—it isn't in human nature to give it up. And so McGrorty infested Washington all last winter trying to get his dispute before the House of Representatives, but it wasn't any use .... Congress ... was only glad of a chance to keep this light out now that it was put out .... This after he had got his speech all ready for the floor of the House ... and so McGrorty went around Washington all last winter reading it to everybody he could catch in a close place. People were driven crazy by it—people shot each other on account of it—thousands and thousands of suicides resulted from it. McGrorty ended by going crazy himself, I heard, though many said he was crazy enough in the first place to make a good member of Congress."
The Utah delegate looked to his labors in the Fortieth Congress with hope and optimism. He personally felt that the people of the Utah Territory were beginning to be better understood. He was convinced that the strong prejudices which had existed against the Mormons were yielding to a more correct understanding and that there was a "desire to accord them credit for that which they had accomplished by industry, energy, and perseverance."\(^1\)

\textit{Providing for a Utah surveyor-general, 1867-68.} During the Fortieth Congress Hooper achieved a genuine victory for his constituents. After twenty years of hardship in making the desert blossom, the people of Utah still lacked clear titles to their land. The pioneer leaders thoroughly understood that sooner or later all of the settlers would have to deal with the federal government for their land. They rightly guessed, however, that the Utah land system would be well established before any interference from the government would develop. Until 1869 the people of Utah were technically squatters on the public domain. During that period, Governor Young and his people systematically colonized land to which they had no title. They surveyed their farms and devised their own system of allotting, registering, recording, and giving temporary land titles while they awaited the action of the United States to grant them official titles to the land.\(^2\)

The major reasons for the government's delay in giving the people titles to their land was that none of the federal land laws (Pre-emption

\(^1\)"Journal History," entry for May 26, 1867.

Act of 1841, Homestead Act of 1862) fit the Utah situation, and the federal government had not been convinced of Mormon trustworthiness.

Hooper, on December 2, 1867, introduced a bill "to create the office of surveyor general for the Territory of Utah, and establish a land office in said Territory, and extend the homestead and pre-emption laws over the same."¹ This bill was referred to the Committee of Public Lands, and ordered to be printed.²

On June 3, 1868, George W. Julian (R-Ind.) reported back the bill and explained its four sections. The first section called for the President of the United States to appoint a surveyor general for Utah with an annual salary of $3,000. The second section allowed for the land of Utah to constitute a new land district with a register and a receiver of public money to be appointed by the President. The Secretary of Interior was authorized by the third section to locate these offices at some suitable place within the territory. Finally, the fourth section provided that the pre-emption and homestead and other laws applicable to the disposal of the public lands were to be extended over said district.³

The bill passed the House without further discussion.⁴ It was referred to the Senate where it also passed with minor amendments. It became a law under the signature of the President July 16, 1868.⁵

Finally, as a direct result of this act, a land office, authorized

¹Congressional Globe, 40th Congress, 2nd Session, 6.
²Idem.
³Ibid., 2813.
⁴Ibid., 2814.
⁵Ibid., Appendix, 516.
to grant titles to the residents of Utah, was opened in Salt Lake City. The federal land laws, however, were not modified to meet the peculiar Mormon situation, but an adjustment was made by the Utah claimants to meet the conditions laid down by the federal laws.

Over twenty years had now passed since the colonization of the Great Basin was begun. A definite Utah land policy had been developed and the residents could now become legal owners of the land which they had for so long been cultivating.

Ashley bill, 1869. As the end of the Fortieth Congress was drawing near, James M. Ashley (R-Ohio) introduced a measure in the House for the dismemberment of Utah Territory. By this time Utah’s boundaries were the same of those of the present state. Evidently, his whole purpose in such a bill was to break up the political power of the Mormon territory. This was born out in his words:

I drew the bill originally to blot out the territory, but the committee thought it best to let that part of it remain where the great body of the Mormons were until such time as the population of the adjacent territories and state would be able to take care of them and not be overborne by the consolidated vote of that oligarchy.¹

Furthermore, he stated that his bill would make statehood impossible for a territory where Mormons were the dominant population.

This bill proposed to take from Utah’s western border a strip of territory 118 miles in width and give it to her neighboring state of Nevada. Likewise, it proposed to give a similar strip from the east side to Colorado; and another portion on the northeast to the then forming territory of Wyoming.

¹Congressional Globe, 40th Congress, 3rd Session, 363-64. The discussion is quoted in part in the Deseret News, February 3, 1869.
Utah shorn of these slices of her territory, would then have been a narrow strip of territory through part of what is now the central division of the state of Utah, for some distance two degrees wide, and for the remainder one degree in width, as follows: That part of the territory lying north of a line near Farmington, in Davis county, including Morgan, Weber, Cache, and Rich counties, would have been included in Wyoming; from about Farmington southward, as far as Levan, in Juab county, it would have been two degrees wide; and thence to the present southern boundary of the state, it would have been one degree or about fifty-nine miles wide, which would have included Scipio, Fillmore, Beaver, parowan, within the strip, but would have consigned Cedar, Washington, St. George, and other Utah Dixie settlements to Nevada; and the most of San Pete county would have become part of Colorado.¹

Under this arrangement, about 25,000 of Utah's population would go to the new territory of Wyoming, and approximately 10,000 to Nevada.

When this bill was introduced by Ashley, Hooper was absent from Congress because of illness. Elihu B. Washburne (R-Ill.) quickly recognizing the seriousness of the bill in respect to the Territory of Utah, asked that action on it be postponed until the Utah delegate could return and present his case.² This request was granted, in spite of the protests of Ashley.

Upon his return to the House, Hooper found the Ashley bill to be a great challenge to his desire and ability to defend his Mormon constituents. Perhaps it was the most difficult encountered thus far in his congressional career. He met the proposals of Ashley squarely with a response on February 25, 1869, that Neff has called his "most extended and brilliant speech of his political career."³ This speech

¹Roberts, op. cit., IV, 230.
²Congressional Globe, 40th Congress, 3rd Session, 364.
³Neff, op. cit., 719.
reads in part:

I trust, sir, that no member of this House will vote on this bill without a careful examination of its provisions and of the changes which it meditates on the map of the region affected. The boundaries of Utah, as will be seen at a glance, are already those indicated by nature as fitted to divide adjoining States, and its limits are much less than those of any other Territories. Its form is nearly square, and the geographical centre is made conformable to the probable center of population. But this bill so cuts and mangles the Territory as to diminish its size to the point of insignificance and to shear it of its fair proportions and utterly destroy its symmetry.

Rather than curtail the proportions of the territory and cut off its settlements from contact with the railroad, you should seek to enlarge its area, encourage its population by all classes of good citizens, giving the amplest protection of law by substituting for its present organization the territorial form of government a more ample, complete, and sovereign form of government, leaving the issue with God and the inevitable forces of nature.1

Hooper, in the course of his speech, reminded the members of the House of the great strides taken by his Mormon constituents that had made it possible for Utah to become the most highly developed of the territories. He briefly reviewed the history of the Mormon people and ended with an appeal:

Let us have peace by an act of peace so that the land which but yesterday was stained with fraternal blood may grow green and beautiful under the hand of honest toil. Let us have peace that we may perfect the holy temple of our liberties until it shall fill the whole earth with its glory and draw all nations into it. Let us have peace that by our sublime example we may teach the whole world of men how good and "how pleasant it is for brethren to dwell together in unity."2

Fortunately for Utah, this ill-advised action proved to be unpopular and received very little congressional support. Certainly, we can assume that the able speech of Hooper helped to deal the final

1Congressional Globe, 40th Congress, 3rd Session, Appendix, 247.

2Ibid., 248.
death blow to this proposed legislation that failed to garner the necessary backing to even pass the House.

Forty-first Congress, 1869-70

Election of 1868. The Fortieth Congress ended on a note of tranquility for the Territory of Utah. The way with which Hooper had handled the affairs of Congress won for him the church nomination and election to the Forty-first Congress. Hooper was unopposed in the fall election of 1868. The final decision on the contested Hooper-McGrorty election of 1867 had come only one month before the 1868 election, leaving the newly formed Liberal party of Utah in a state of disorder and confusion. This kept them from running a candidate in the election.

America was continually becoming more and more aware of the polygamic problem existing in Utah. To the people of Utah it was not a problem, but Congress became more determined to remedy the "Mormon evil." Bancroft ably explains the quandary that congressmen of the nation found themselves in about this time in history:

"Send an army and wipe them out," say the unthinking masses. An army was sent once, but when it came to Utah there was nothing at hand to wipe out. But should an army go and find them there, it would hardly be prepared to enter upon the wholesale slaughter of 140,000 men, women, and children while in pursuit of their daily vocations. Education has been urged. This means is already employed; but while there are gentile schools, the Mormons still teach Mormonism, and the more they educate, the stronger and more widely extended becomes their faith. Senator Hoar suggested seizing the perpetual emigration fund, but this appeared too much like robbery. Make marriage a civil compact, give the wife the right of dower, and so make her less dependent on the husband, some have said. Amend the constitution prohibiting polygamy, others have urged. But if congressional enactment fails, what can constitutional amendment do? Admit Utah as a state and let the people split into parties, and so fight out their own issues. But they will not split into parties, is the reply. If they were like other people, this might be the result; but they are not like other people.¹

¹Hubert Howe Bancroft, History of Utah, (San Francisco, California: The History Co., 1889), 395.
The advent of the Forty-first Congress marked the beginning of a new and more determined campaign to eliminate polygamy and punish its participants. It was the beginning of a new era of rigorous and drastic legislative attempts against Utah and her people. It was in this era that Delegate Hooper stood willing and determined to defend his fellow church friends and their beliefs, though himself, a monogamist.

He was in constant and close contact with Brigham Young during this critical era. The issue before Congress as far as Utah was concerned, was primarily polygamy. Inasmuch as this was directly a part of the church, he sought the advice of the Mormon president on all issues. He would wait for the word of President Young before he would take a definite stand. He would keep the president fully informed about congressional matters that would have a definite bearing on the Mormon people and their territory.

Proposal to discourage polygamy in Utah, 1869. The first attempt of the Forty-first Congress to suppress polygamy came with the introduction of a bill by George W. Julian (R-Ind.) March 13, 1869. He proposed "to discourage polygamy in Utah by granting the right of suffrage to the women of that Territory." He and his supporters were of the opinion that if the women were given the suffrage this would empower them to throw off the shackles of "serfdom." They were convinced that polygamy existed only where women were degraded. By franchising the women they would be given the additional power necessary to destroy polygamy.

Upon the introduction of the measure in the House, Julian was quite shocked to find Hooper heartily in favor of it. On its presentation

---

1Congressional Globe, 41st Congress, 1st Session, 72.
Hooper said that he was fully in favor of it. When asked if he spoke for the leading men of the Mormon church, the delegate replied that he could not, but that he knew of no reason why they should not also approve of it.¹

The Deseret News printed several articles giving full approval and support of such a measure. The following is a part of one:

The bill proposed to check polygamy in this territory, is to give suffrage to the women. We like this suggestion. If carried out, and if it should work as its originators hope it will, it would be a very easy method of settling this vexed question, and without the full and trouble which have heretofore attended the various schemes that have been proposed for that object; but if the ladies should exercise the right of suffrage and yet not discourage nor break down polygamy, then members of congress would, perhaps, be satisfied to let the question rest, and to cease troubling themselves about an institution which those who are most affected by it hold as every way preferable to the monogamic institution .... In either case the passage of the bill might be attended with satisfactory results, and, therefore as an earnest advocate of "Woman's Rights," we go in for it, and say let the ladies of Utah have the right of suffrage.²

When Congress saw that Delegate Hooper was so very much in favor of such a measure, they became suspicious and soon lost interest. The bill never came to a vote in either house of Congress.

The enthusiasm of such a possibility, however, carried over into the minds and actions of the legislators of the territory, who, on February 12, 1870, passed "An Act Conferring upon Women an Elective Franchise."³

The anti-Mormons were as prompt as ever to assign a selfish

¹Roberts, op. cit., IV, 324.
²Deseret News, March 24, 1869.
³Acts, Resolutions and Memorials Passed and Adopted During the Nineteenth Annual Session of the Legislative Assembly of the Territory of Utah (Salt Lake City, Utah, 1870), 8.
motive for the action of the Utah Legislature. "It is to enhance the power of the Priesthood," said they. But if the bill had failed to pass, they probably would have been just as apt to declare that the Mormons were afraid to enfranchise the women of their community, and were determined to keep them in bondage.

The Cullom bill, 1870. On December 21, 1869, Representative Shelby M. Cullom (R-Ill.) introduced a bill to aid in "the execution of the laws in the Territory of Utah, and for other purposes."¹ This bill, commonly referred to as the Cullom bill, was quite vicious in its attempt to suppress polygamy. There was scarcely a section that did not propose measures that were in direct contradiction to the rights granted by the Constitution. Following are a few excerpts from the bill showing its severity:

Section 11: That in all prosecutions for bigamy, concubinage, and adultery the lawful wife of the accused shall be a competent witness to prove both the first and subsequent marriage or marriages of her husband, but for no other purposes.

... Section 13: That any man in said Territory who shall ... live or cohabit with one woman or more, other than his lawful wife, as his wife or wives, shall be adjudged guilty of the crime of concubinage, and upon conviction thereof shall be punished by a fine not exceeding $1000, and by imprisonment in the penitentiary at hard labor not exceeding five years.

... Section 19: No alien living in or practicing bigamy, polygamy, or concubinage shall be admitted to citizenship of the United States; nor shall any person living in or practicing bigamy, polygamy, or concubinage hold any office of trust or profit in said Territory, vote at any election therein, or be entitled to the benefits of the homestead or preemption laws of the United States.²

Several Gentiles were quick to side with Utah's delegate in

¹Congressional Globe, 41st Congress, 2nd Session, 294.
²Ibid., 1367-69.
opposing the passage of the Cullon bill. Perhaps the most ardent
of these was Thomas Fitch of neighboring Nevada who said, "I will
not vote for this bill, which will add millions to the debt and
thousands to the muster roll of the nation's dead, and in the name
of a people who have burdens enough to bear and kindred enough to
mourn, I protest against the passage of this most unwise and
ill-considered bill."¹

The Mormon women of Utah held mass meetings throughout the
territory protesting the passage of the bill. The contents of the
bill were published and reviewed by nearly all the journals of the
country. From the standpoint of newspaper criticism, it is difficult
to tell exactly what its moral character was. Some felt that it was
an infamous bill; yet others confessed that it was not nearly bad
enough to satisfy the popular desire.

The real objection, however, came in the speech delivered by
Hooper in the House of Representatives, March 23, 1870. It has been
called "A Plea for Religious Liberty" and the significance of it has
been explained in this way by Tullidge:

The History of Utah would be incomplete did it not
embody the greatest speech ever delivered before the American
Congress upon the eventful history of the Mormons, their
social and religious rights as a community, and the Utah
question generally in its bearing upon the American
commonwealth.²

The definite religious convictions of the people of Utah and
their willingness and determination to "go the limit" in preservation

¹Whitney, op. cit., II, 414.

²Tullidge, op. cit., I, 373. See also Congressional Globe,
41st Congress, 2nd Session, Appendix, 173-179.
of what they had worked so hard to establish were the leading principles that helped give Hooper the courage and faith to deliver his great speech. The general feeling of the Mormons toward the Cullom bill is made obvious in the following article:

It is apparent, from the reading of the Cullom bill, that the design, if it can be passed, is to enforce such measures here as will compel the Latter-day Saints to renounce their religion or to abandon this country. Those who framed, and those who desire its passage know the people too well for whom it is intended to think they would tamely submit to the oppressive and repulsive slavery which it contemplates...

There is one assurance, However, we can, in the meantime, give to our enemies,—no scheme they can devise will compel the bulk of the Latter-day Saints to renounce their faith, or to forsake their lands. They will make this country the howling wilderness it once was, make it so poor that its acquisition would be undesirable for a savage; but even then they will not leave it. This country is theirs by every right on which men and nations base occupancy and possession. They have wronged no one in settling it, have attended to their own business and meddled with no one since possessing it, and, God being their helper, they mean to keep it, to eat its fruits, to drink its water, to breathe its air and enjoy its freedom; and who shall prohibit them?

Cullom asserted that polygamy was denounced by every state and territory of the United States. To this assertion, Hooper answered that the Representative was in error in this statement. The delegate insisted that polygamy was not denounced by every state and territory, and that Cullom would search in vain for a statute or criminal code either defining its existence or punishment. He contended that Cullom was confounding a religious belief with a criminal act and summed his answer up with these words:

Cullum asserted that polygamy was denounced by every state and territory of the United States. To this assertion, Hooper answered that the Representative was in error in this statement. The delegate insisted that polygamy was not denounced by every state and territory, and that Cullom would search in vain for a statute or criminal code either defining its existence or punishment. He contended that Cullom was confounding a religious belief with a criminal act and summed his answer up with these words:

1Deseret News, January 12, 1870.
He is thinking of bigamy when he denounces polygamy, and in the confusion that follows, blindly strikes out against an unknown enemy. Will he permit me to call his attention to the distinction? Bigamy means the wrong done a woman by imposing upon her the forms of matrimony while another wife lives, rendering such second marriage null and void. The reputation and happiness of a too confiding woman is thus forever blasted by the fraudulent acts of her supposed husband, and he is deservedly punished for his crime. Polygamy, on the contrary, is the act of marrying more than one woman, under a belief that a man has the right, lawfully and religiously, so to do, and with the knowledge and consent of both the wives.¹

After a long and able speech, Hooper summarized in this way:

Mr. Speaker ... I have aimed, as best I might, to show--

1. That under our Constitution we are entitled to be protected in the full and free enjoyment of our religious faith.

2. That our views of the marriage relation are an essential portion of our religious faith.

3. That in considering the cognizance of the marriage relation as within the province of church regulations, we are practically in accord with all other Christian denominations.

4. That in our views of the marriage relation ... we are entitled to immunity from persecution under the Constitution, if such views are sincerely held; that if such views are erroneous, their eradication must be by argument and not by force.

5. That of our sincerity we have both by words, and works, and sufferings, given for nearly forty years, abundant proof.

6. That the bill, in practically abolishing trial by jury, as well as in many other respects, is unconstitutional, uncalled for and in direct opposition to that toleration in religious belief which is characteristic of the nation and age.

It is not permitted, Mr. Speaker, that any one man should sit as the judge of any other as regards his religious belief. This is a matter which rests solely between each individual and his God. The responsibility cannot be shifted or divided. It is a matter outside the domain of legislative action.²

The majority of the people of Utah joined in praising the speech

¹Congressional Globe, 41st Congress, 2nd Session, Appendix, 179.

²Ibid. A complete text of the Hooper speech can be found in Edward W. Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Co., 1886), 443-457. For excerpts, see Appendix B, 286.
delivered by their delegate. They immediately capitalized on the opportunity of using this speech as an instrument in telling the people of the nation about the Mormons and their ideals. They had learned that the speech made by Hooper was widely called for from all parts of the Union. Men's curiosity was excited. The nation wanted to know what arguments the delegate had to offer against the bill and in favor of patriarchal marriage as a part of the Mormon religion. The Utah Mormons felt that thousands would learn from that speech how much scripture there was to sustain that doctrine and institution, and that they would learn, probably with surprise, that in no instance had God expressed His condemnation of it when practiced by His command.¹

There became so great a demand for copies of the speech that it became necessary to publish a second edition. The plea for "religious liberty" was creating a sensation. It was a document that was widely circulated and read. The Mormons were convinced that the time to preach and get their principles before the people of the nation by means of publication had arrived and were determined to take advantage of it by making of the incident a missionary exploit.²

The Cullom bill, on March 23, 1869, shorn of some of its repulsive features, passed the House by a vote of ninety-four to thirty-two.³

¹There was an article that appeared in the Deseret News of April 27, 1870, entitled "Cullom a Mormon Missionary." It was the feeling of many of the people of Utah that Cullom had put before the entire people of the United States the Mormon issue. Through this bill he had introduced thousands of people to the Mormon religion and had made them so curious that they began studying their doctrines and ideals.

²Deseret News, May 11, 1870.

³Congressional Globe, 41st Congress, 2nd Session, 1876.
Though Hooper's speech had been eloquent, he found it impossible to stop the passage of the bill in the House. He was successful, however, in getting parts of the bill eliminated. The parts omitted were: Section 11, making the lawful wife of an accused polygamist a competent witness against him; Section 14, providing that the statute of limitations should be no bar to a prosecution; Section 30, authorizing the confiscation of the property of persons convicted; Section 31, for the temporary relief of persons reduced to destitution by the enforcement of the act; and Section 32, authorizing the employment of forty thousand volunteers to assist in the enforcement.

Though the passage of the bill in the House was cause for alarm throughout the nation, Tullidge suggests that after Hooper's speech, there was no intention of passing the bill in the Senate and it was only allowed to pass the House to save Cullom's political face.\(^1\) Tullidge was present in Washington at the time that Congress was debating the bill. He was successful in obtaining an interview with Cullom, about which he makes the following statement:

The General spoke of Hooper as the Mormon Richelieu, and said he managed nearly all the members of Congress of both Houses and the Government also. Said the General, "there is not a measure mooted or discussion on Utah affairs in the President's own Cabinet, but that old man knows it within a quarter of an hour afterwards." ... General Cullom was the better judge of the mind of Congress. He knew that Hooper had killed his bill! ... It is a point of history that Hooper really did defeat the Cullom Bill.\(^2\)

The Cullom bill, after its passage by the House of Representatives, died in the Senate, to the infinite satisfaction of the friends of

---


\(^2\)Idem.
Utah everywhere, and the corresponding chagrin and disappointment of her enemies.

**Forty-second Congress, 1871-72**

**Election of 1870.** The election of 1870 marked the real beginning of political opposition in Utah. The convention of the Liberal party was held in Corinne July 16, 1870, where General George R. Maxwell was nominated by acclamation as delegate to Congress. Maxwell was United States registrar of the land office and strongly favored the separation of church and state. Before the convention adjourned a motion by E. P. Johnson prevailed, formally naming the organization the "Liberal Political Party of Utah." The motion carried.

The People's party met in convention July 16, 1870 where Hooper was unanimously nominated after both Brigham Young and George A. Smith had made speeches strongly supporting and endorsing the delegate. Brigham Young strengthened his endorsement of Hooper by reading a letter addressed to the Mormon president from a non-Mormon in the eastern part of the United States. That letter read in part:

> I never before saw such an admirable combination of pluck, patience and great good sense. He seemed to feel his way along to success with an instinct second only to the wisdom with which he pursued his arguments when the open fight became necessary. The delivery of his speech in the House was one of the bravest events I ever witnessed. Surrounded by the ablest men in the country who gave him undivided attention, curious to hear what he would say in defense of an unpopular creed—with the floors and galleries crowded and no friends among them—he calmly stood up, and delivered his earnest appeal in behalf of religious liberty in a way to awake sympathy if not to convict the reason.

---

1Roberts, op. cit., V, 366.

2Joe Williams, "Political Parties of Utah" (unpublished Master's thesis, University of Utah, Salt Lake City, Utah, 1933). According to this study the People's party had its formal beginning in 1870 also. However the Deseret News was using the name "People's Ticket" as early as 1859.
I think it but right that you should know this and your people should appreciate their representative.\(^1\)

Campaigning was opened July 19, 1870, and continued quite actively until the day of election. The Liberals campaigned against admixture of church and state. They used their newspaper, the *Salt Lake Tribune*, to attack the Mormons for their close dependence upon the church and their determination to keep the entire Territory of Utah "in the priestly clutches of the church."\(^2\)

The election fell upon Monday, the 1st of August, 1870. At the polls Hooper received a commanding 21,656 votes to 1,444 for Maxwell.\(^3\) More than eight hundred of the latter were polled at Corinne, while Salt Lake City gave less than two hundred votes to Maxwell. Maxwell duly contested the election, which was part of the pre-arranged plan, basing his contest, as McGrorty had done in 1867, on the ground of his opponent's disloyalty. He relied upon the intensity of the prejudice against the Latter-day Saints existing at the time for his success. The Liberal party entertained the belief that Congress would give the seat to the anti-Mormon delegate, and that Utah never would be admitted as a state, until absolute political control was placed in their hands.

The contest was carried to Washington where it received little attention. Hooper was put to some expense refuting the charges against him, but he came off victorious with little difficulty, and took his seat as the duly elected delegate from Utah at the beginning of

\(^1\)"Journal History," entry for July 16, 1870.

\(^2\)*Salt Lake Tribune*, July 24, 1870.

\(^3\)*Executive Record Book B*, MS. Utah State Historical Society, Division of Archives, Salt Lake City, Utah, 374.
the Forty-second Congress.¹

Hooper's last term in office, 1871-72. During the Forty-second Congress, as in previous Congresses in which Hooper had participated, there were more attempts to push additional anti-Mormon legislation through the two houses. Nothing very serious came of the attempts, and Hooper found his last two years in the House to be relatively quiet as far as the Utah question was concerned. He never found it necessary, during his last term, to openly defend his constituents or to actively participate in the affairs of Congress.

Almost every session of Congress, during his congressional career, saw the Utah delegate introducing countless memorials and petitions in behalf of Utah Territory, many of them asking Congress for statehood for Utah.

Many of these memorials and bills introduced by Delegate Hooper were of minor significance while others were of great importance. Some of the proposed legislation against Utah was turned back and never enacted, due to the influence and efforts of this dedicated man. His ideas, opinions, and actions have gone far in the shaping of Utah political history and philosophy. Though he was unable to gain the approval of Congress for Utah to become a state, he was successful in making the country aware of the accomplishments and capabilities of Utah and her people.

Early in 1872, Hooper indicated to his friends that he was not desirous of running for a sixth term. He had spent ten years, eight of them consecutively, in the service of his territory and they had

left him exhausted. He desired to take a much needed rest. Throughout his congressional career he displayed great energy, as he did in every sphere of life. He made a splendid record, doing excellent service to an appreciative constituency.

The illustrious congressional career of Hooper can be summed up in these words:

Delegate Hooper's term of office expired March 4, 1873, and upon his return to Utah on the 15th of that month, the people gave him a hearty reception. He had labored wisely and faithfully for the best interests of the Territory, and those who sought to push through Congress schemes inimical to his constituents had found in him a vigilant, determined and able antagonist. His industry and zeal, his genial manners and unobtrusive conduct, had gained him the credit of being one of the most indefatigable workers and pleasant gentleman in Congress. The tact and aptitude for business which marked his career before his election, were made to do good service in the responsible position that he was placed in by the votes of the people.¹

The last ten years of Hooper's life were dedicated to business. He proved himself to be an able merchant and banker. At the inception of Z.C.M.I. in 1868 Hooper became connected with it as a director, and in 1873 he was elected general superintendent. He acted in that capacity for about eighteen months. In October, 1877, he succeeded Brigham Young as President of Z.C.M.I., and was retained in office until his death in 1882.

¹Whitney, op. cit., II, 730.
 CHAPTER VII

GEORGE Q. CANNON, 1872-1882

Utah's fourth delegate to Congress was born in London, England, January 11, 1827. He came from a devout Christian household and was the eldest of the seven children of George and Ann Quayle Cannon. His father being a sea-faring individual, young George learned the value of hard work early in life. The entire Cannon family was baptized into the Mormon church when George Q. was only thirteen years old. He received such schooling as the moderate means of his parents could procure, and from childhood was an excellent student.

In 1842, at the age of fifteen, he joined his family in crossing the Atlantic, bound for Nauvoo, Illinois, the gathering place of the Latter-day Saints. During the voyage his mother took ill and died. At Nauvoo the Cannons became associated with the Prophet Joseph Smith and did what they could in behalf of their church.

It was at Nauvoo that young George Q. first learned the printing business, an occupation that he was to follow after arriving in Utah. His uncle, John Taylor, was editor of two church papers at Nauvoo.

---

and it was in his office that Cannon served as an apprentice, enabling him to obtain his first practical experience in the business.

In 1844 his father died, leaving George Q. virtually an orphan in the care and keeping of his uncle John Taylor. Together with his uncle, he left Nauvoo in 1846 and began his way toward Salt Lake Valley, arriving in the fall of 1847. With the exception of his sister Ann, who was also in the first Mormon emigration, the rest of the family remained a year or two longer on the frontier before coming west.

For the next two years, young Cannon worked at farming, building, and other pursuits incident to pioneer life. In the fall of 1849 he accompanied Charles C. Rich to California where he worked in the gold mines until the summer of 1850. At this time he was called upon a mission to the Sandwich Islands. His work was among the natives of the islands and he was successful in acquiring a substantial knowledge of the Hawaiian language. This knowledge aided him in making a translation of the Book of Mormon in the native language. He served for three and a half years. Upon his return to Utah in the fall of 1854, he was again dispatched to California where he assisted Parley P. Pratt in establishing a church paper at San Francisco, the Western Standard. While in California he was set apart to preside over the California and Oregon Mission, a position which he held until the pending war between Utah and the general government brought him back to Utah in 1857.

In 1858 came another mission call, this time to the Eastern States. While in the East Elder Cannon spent considerable time in the city of Washington, where he was later to spend a decade of his lifetime as Utah's delegate to Congress. Among his friends at the capital was Colonel Thomas L. Kane, through whose offices he met and
formed close acquaintances with congressmen, editors, and other leading men who proved to be important friends in later years. Upon his return to Utah in August of 1860, Cannon was ordained to the Apostleship, to fill a vacancy caused by the death of Parley P. Pratt.

Almost immediately thereafter he was sent to preside over the European Mission with headquarters in Liverpool, England. In addition to his duties in the mission, he was to have charge of the church emigration in Europe and acted as editor of the Millennial Star at Liverpool. He remained abroad and "was never more popular, never more widely beloved, than while presiding over the European Mission." He returned to Utah in the fall of 1864.

During the next three years he had the privilege of serving as private secretary to President Brigham Young, and enjoyed the personal friendship of the Mormon leader.

Politically, he took part in the territorial legislature, as a member of the Council, and went east in 1872 as a member of the Constitutional Convention to present the oft-repeated appeal for statehood.

Forty-third Congress, 1872-3

Election of 1872. Delegate Hooper had represented Utah most efficiently for the past eight years on the floor of the national Congress. Early in 1872, the People's party thought it best to relieve him from the duties of the position. The question then arose, in the People's party: who will be sent as delegate? Many felt that it would be unfortunate to lose the service of Hooper at such a critical time.

He had been well known at the capital city and had been quite successful in building a favorable reputation among his colleagues. Consequently, his influence in Congress was all that could be desired and expected from a territorial delegate.

The retirement from Congress of Hooper gave rise to a tone of optimism within the ranks of the Liberal party. They hoped to take advantage of the situation and place their man in the halls of Congress. They highly advised the sending of a non-Mormon to Congress at this time, thus enabling the Mormon church to "quietly settle down to a respectable religious sect."¹ The Mormons, however, were unwilling to see the propriety of such a plan. They were not prepared to resign their role in the drama of Utah Politics, and proceeded to find the most qualified man to fill the position left vacant by William Hooper.

A most dramatic political event had its beginning on July 13, 1872, when the People's party met in convention to nominate their candidate for Delegate to Congress. They were in search of a man who would be entirely representative of Utah and her citizens. In the person of George Q. Cannon, the Mormons believed they had such a person. There was a small group in opposition to this nomination who argued that Cannon ought not be sent to Washington because he was an Apostle and a polygamist. They insisted that if he were sent, enemies of the church would certainly claim that he had been sent in defiance of public opinion and national law. This could only result in strong opposition in Congress. Though their arguments were never taken seriously at the time, they were later proved right and returned to

¹Edward Wheelock Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Co., 1886), 597.
plagued Cannon throughout his entire congressional career.

The church argued that it would be proper to send Cannon to Congress, in spite of his polygamic life, for the purpose of truly representing the Mormons in that national body. After all, they reasoned, Catholics and Jews had been deemed suitable for legislators in free America, and why should Mormons be deprived of this right? President Brigham Young quickly endorsed the candidate, and the people became determined to elect him.

At the time of Cannon's nomination, Hooper stated that the future delegate should certainly be a Latter-day Saint. He argued that the strength of the people rests upon their being truly represented, and a man to be a good delegate should reflect their religion and political sentiments. According to Hooper's logic, a delegate should never occupy a position on any floor without "having his colors nailed to the mast, so that everybody may know the flag he sails under."¹ This attitude was to serve as the entire central theme for the upcoming campaign.

The Liberals, even before they placed a candidate in the field, attacked Hooper for his statements. They claimed that this whole attitude taken by the former delegate, and the Mormons in general, was a form of anti-American doctrine. The next delegate of Utah should be an American citizen, impressed with American ideas and policy, representing no church but the people of Utah as a whole. They further insisted that Utah did not belong to the Latter-day-Saints, and even if it did, there were from ten to twenty thousand people in Utah who were not

¹Salt Lake Tribune, July 15, 1872. The entire proceedings of the People's party convention are found here.
property of the church, and would "never be as clay in the hands of
the potter, or tallowed rags."¹

The Tribune announced Cannon's nomination in the following words:

Cardinal Geo. Q. Cannon, editor of the Deseret Evening News,
one of the twelve Apostles of the church of Brigham Young,
a State Senator elect for the State of Deseret, and an
able-bodied polygamist, has been nominated by the school of
the Profits to represent Utah and Mormonism at the seat of
government for the ensuing two years.²

The Tribune conducted a severe verbal attack against Cannon and the
Mormon church during the ensuing two weeks. Each copy was full of
sharp criticism, of which, the following is an example:

No people are sovereign under the priestly rule and
dictation; the idea is preposterous. What is called
divine priesthood anywhere and everywhere is but another
name for despotism, tyranny and caste, the synonym of
oppression, bondage, and mental slavery. With Cannon
elected, priesthood, polygamy, and Utah as she was seven
or eight years ago, will be represented, but not Utah of
today, with her new enterprises, developments, and fresher
civilization.

Geo. Q. Cannon is as much an alien to the spirit and
genius of American institutions as would be a resuscitated
Egyptian mummy from the Catacombs, and has no interest in
anything outside of the religio-political demands of a kingdom
which is in the future to sweep away all other governments.
In going to Congress he goes as the husband of three wives,
and it remains to be seen whether the country will admit such
an alien and contemner of law to a seat in Congress. The
fight in this election will be one of Republicanism versus
"polygamic theocracy."³

The Deseret News was just as ambitious in its effort to aid Cannon
as the Tribune was in criticism of the man. As a result, the political
campaign turned out to be a battle of newspapers. The News, "an organ
of the Melchisedict [sic] Priesthood," was kept busy printing refutations

¹Ibid., July 15, 1872.
²Ibid., July 16, 1872.
³Ibid., July 23, 1872.
to the charges made against their candidate and church by the Liberal paper. Though there were some mass meetings and rallies held in the major cities of the territory, it was mainly a contest of the printed word.

The Liberals met in convention July 25, 1872, at Corinne. They unanimously nominated General George R. Maxwell, a veteran of the Civil War. He had first come to Utah in the early spring of 1869 as the registrar for the United States Land Office at Salt Lake City. He was hailed by his party as an individual who was not hostile to the Mormon people, but only to the despotism of the priesthood and to the bondage in which the people were held. In announcing his nomination, the Tribune printed:

The nomination will doubtless be received by everybody opposed to Church domination in Utah with satisfaction, as there is nothing of the "good Lord and good Devil" in the General's composition, and as a man to run against the Kingdomites we think he will carry the entire non-Mormon vote of the Territory.¹

On Saturday, August 3, 1872, just two days before the election, an incident occurred in the Salt Lake City Council that caused quite a sensation. It seems that a newspaper reporter, representing the Tribune, had consistently reported the proceedings of the Council in a manner unfavorable to its majority. It was decided, therefore, that the individual should be expelled and the Tribune was to be refused further opportunity of being represented in the Council. The Liberal party was quick to insist that the entire action was brought about by the First Presidency of the church and that this was just one more example proving church domination over the government in the territory.

¹Ibid., July 26, 1872.
The Gentiles used the incident in an effort to garner more votes for their candidate. They stated that a vote for their candidate meant a vote for freedom of speech and of the press.\(^1\)

Election day, Monday, August 5, 1872, passed quietly. So quietly, in fact, that the editor of the Tribune editorialized in the following manner on the day following the election:

> The people were ... under priestly control yesterday, and followed "counsel"... . The truth of the matter is, Brigham and the Cardinal are Peters who say "thumbs up" or "thumbs down" as occasion demands ... yesterday it (the command) was "conduct yourselves with Saintly propriety," and as the people have no will of their own, but are mere machines in the hands of these "mouthpieces of God," of course they are manipulated as easily as any other ponderous piece of machinery.\(^2\)

When the vote was finally counted, it showed that the total vote cast was 22,913, the distribution of which was: George Q. Cannon, 20,969; George R. Maxwell, 1, 942; W. H. Hooper, 1; and P. E. Connor, 1.\(^3\) Soon thereafter, General Maxwell appeared before the Governor and Secretary of the Territory and protested against the issuance of the certificate of election to Cannon. But as the Governor and Secretary were bound by law to issue the certificate to the person receiving the highest number of votes, Cannon obtained the document. Thereupon, the general served the newly elected delegate with a notice of contest. His principal allegations were; that most of Cannon's votes were cast by women or foreigners and were therefore illegal; that Cannon had conspired with Brigham Young and others to force voters to support

---

\(^1\)This whole incident and the aftermath is printed in the Salt Lake Tribune, August 5, 1872, to August 15, 1872.

\(^2\)Ibid., August 6, 1872.

\(^3\)Tullidge, op. cit., 599.
Cannon under penalty of death; that Cannon had sworn a disloyalty oath
to do all in his "power to thwart and overthrow the Government;" that
the ballots were numbered so as to intimidate voters; and that Cannon
was a polygamist.¹

The time for Cannon to take his seat was not until Congress met
in December, 1873. He did, however, journey to the capital city with
Hooper for the winter of 1872-73 to aid him in resisting proscriptive
legislation against the people of Utah.²

Maxwell contests the election, 1873-74. At the opening of the
Forty-third Congress, December 1, 1873, Cannon presented his certificate
of election as delegate from Utah, and asked to be sworn in. General
Maxwell was there, and induced Clinton L. Merriam (R-N.Y.) to object
to Cannon's being sworn in. He presented a resolution citing that
Cannon had taken an oath inconsistent with citizenship and was guilty
of practices in violation and defiance of the national laws. He asked
that the matter be referred to the Committee on Elections to
investigate the Utah delegate's right to a seat in Congress.
Representative Benjamin F. Butler (D-Mass.) argued that to reject
Cannon's prima facie right to be sworn in when he could show the proper
credentials from the governor would be a dangerous precedent which
might be used for partisan objectives in times of high party excitement.³

It was moved that Cannon be sworn in. The certificate was read, and

¹U.S. Congress, House of Representatives. Papers in the Case of
Maxwell vs. Cannon, House Miscellaneous Document, 43rd Congress, 1st
Session, No. 49, serial 1617.

²He was aiding Delegate Hooper in the fight against the
Frelinghuysen anti-polygamy bill. Congressional Globe, 42nd Congress,
3rd Session, 1797-99.

³Congressional Globe, 43rd Congress, 1st Session, 7.
Merriam's resolution was tabled with but one dissenting voice, whereupon, the oath of office was administered to the delegate from Utah.

After the House Committee on Elections had considered the contest, Representative Gerry M. Hazelton (R-Wisc.) submitted the majority report on April 30, 1874. His report concluded that action could only be taken through the power of expulsion, and that if he were disqualified, the minority candidate would still not be eligible for the seat. Hazelton suggested two resolutions: one, that Maxwell was not elected, and the other, that Cannon was elected. However, there was no reference to Cannon's being entitled to the seat. Horace H. Harrison (R-Tenn.) presented a minority resolution stating that Cannon was elected and entitled to his seat. Harrison argued as follows: the House had no right to change the constitutional qualifications of its members, which were limited to age (25), citizenship (7 years), and residence. Although these provisions did not apply in letter to territorial delegates as well as to representatives, they applied in spirit. The Anti-bigamy Act of 1862 allowed for punishment for bigamy, but disqualification for office was not part of that punishment. Harrison further reminded the House that the Constitution called for a two-thirds majority vote before a member of the House could be expelled. He argued that this same principle should apply to a territorial delegate. Harrison's minority resolution was adopted by the House on May 12, 1874, by 109 to 76 votes.

2Ibid., 11-15.
3Congressional Record, 43rd Congress, 1st Session, 3819.
Hazelton then moved that Maxwell's charges that Cannon was a polygamist and had sworn an oath of hostility to the government be investigated by the Committee on Elections and that the Committee recommend proper action to the House. This resolution was adopted by 131 to 51 votes.¹

Meanwhile, the House passed on June 16, 1874, an act defining the qualifications of future territorial delegates. That the Cannon case had obviously prompted this action is evidenced by the fact that the act included the provision "that no such person who is guilty either of bigamy or of polygamy shall be eligible to a seat as such delegate."²

Although the Senate had not passed the bill, the House Elections Committee majority used the House passage to support its conclusions submitted January 21, 1875, that Delegate Cannon was ineligible to occupy a seat in that body.³ The committee had based its conclusions on the fact that Cannon had married his fourth wife in August, 1865, which fact was not disputed by Cannon.

The committee found conflicting testimony as to the alleged oath of disloyalty to the government, which Cannon was presumed to have taken in the Endowment House.⁴ It seems that Maxwell had gathered about him certain apostates from the Mormon church who had made affidavits

¹Ibid., 3821.

²Congressional Record, 43rd Congress, 1st Session, 5046.


⁴The Endowment House was a building used prior to the completion of the Salt Lake Temple for the performance of marriage rites and the giving of special blessings.
that a disloyalty oath to the United States was administered in the
endowment house. The intention was that all such affidavits were to
be furnished by the contestant to the Committee on Territories, showing
sufficient testimony to declare Cannon unworthy of citizenship. This
entire plot bogged down when many prominent apostate Mormons, who were
equally concerned as the delegate, came forth with abundant evidence
that they never did, and never would have been induced, even at the
penalty of their lives, to take an oath disloyal to the United States.

A committee minority of five opposed the proposed denial of
Cannon's seat. They argued, as before, that since the power to expel
a delegate was drawn by analogy from the power to expel a House member,
the constitutional safeguard of a two-thirds vote should apply. Also,
if the House began to expel a member or delegate for alleged crimes
or immoral practices unconnected with his official duties or
constitutional qualifications, then "where will the inquiry stop?"

On February 9, 1875, Representative H. Boardman Smith (R-N.Y.),
chairman of the Elections Committee, called up the majority report to
expel the Utah delegate. The House was preoccupied with an appropriation
bill, and the pressures of approaching adjournment were mounting; so the
House voted by a large majority not to consider the case. Only twenty
members voted for consideration. Those opposed were not counted. The
entire first term of Cannon's was filled with doubt as to the real and
accepted position of the Utah delegate. It was under these circumstances
that he labored, in an attempt to represent the interests of his

1Ibid., 276.

2Congressional Record, 43rd Congress, 1st Session, 1083. U.S.
Congress, House of Representatives. House Miscellaneous Documents,
43rd Congress, 1st Session, No. 49, serial 1617.
constituents in Congress.

The Poland bill, 1874. President U.S. Grant in his message at the opening of Congress in December, 1872, had urged the passage of legislation that would carefully revise the present laws of Utah and bring about the ultimate destruction of polygamy.\(^1\) This was supplemented by a special message, on the 14th of February, 1873, in which the President urged upon Congress the passage of some measure that would strike at the right of Utah to self-government.\(^2\) The recommendations in the main were those finally incorporated in the Poland bill. On the 5th of January, 1874, Luke Potter Poland (R-Vt.) introduced in the House a bill that nearly destroyed local self-government in the territory of Utah. The Poland law took from the probate courts all criminal, civil, and chancery jurisdiction. These courts, for years, had been the courts of the people. The Poland law proposed to give the non-Mormons in Utah greater control over the entire court system of the territory.

The office of territorial marshal and of the territorial attorney-general were abolished by assigning their functions to the United States marshal and his deputies, and the United States district-attorney and his assistants. The United States marshal was given the right to personally choose the people who were to serve as members of the juries. The United States marshal was also authorized to appoint as many deputies as he might deem necessary, and the United States district attorney as many assistant attorneys as he found needful. There are other details, but the features of the bill here mentioned are those which most affected the civil and political rights

\(^1\)Messages and Papers of the Presidents, VII, 203-04.

\(^2\)Ibid., 208-10.
of the Utah people.¹ As its provisions discriminated against the majority of the citizens of the territory in various respects, it was vigorously opposed. The legislature of Utah, then in session, endeavored to ward off the proposed legislation. With this purpose in view, a memorial was unanimously adopted, denying the accusations of disloyalty made against the majority of the people of Utah and earnestly soliciting the sending of a commission of investigation. This, Cannon presented to the House of Representatives on February 16, 1874, and it was referred to the Committee on Judiciary. On the 18th of February it was presented to the Senate by a Mr. Sargent, of California, but no action was taken with reference to it in either house, beyond referring it to the appropriate committees.²

The bill was brought from the Judiciary Committee by Poland, who briefly explained it, and yielded most of his time to Cannon for debate. When he began to speak there was great interest felt on the floor and in the gallery, which was unusually full of ladies, to hear him. It was truly a spectacle. For the first time a Mormon practicing polygamist had been recognized by the Speaker as he rose to oppose the bill. When he arose many of the members gathered about his seat, and those who remained seated paid the closest attention to his remarks. The delegate had attempted to kill the bill in the Committee on Judiciary, but had failed. He then turned to the House with the hope that he could influence enough of the representatives to vote against the proposed bill.

¹For the complete text of the law see Compiled Laws of Utah, 1888, I, 101-07.

²Congressional Record, 43rd Congress, 1st Session, 1620. The memorial will be found in Deseret News, February 11, 1874.
He insisted that the bill was making an exception of Utah, and if there was reason for the enactment of such a law, the same reason existed in regard to all the territories as well as Utah. In refutation of the charge that justice had been administered unfairly in Utah, he said that verdicts were given in favor of non-Mormons or Mormons with equal justice and impartiality. He denied that there was any necessity for the passage of the bill, and said Congress had been memorialized to send a congressional committee there to investigate the facts, showing that the Mormons were not afraid of the closest scrutiny. He charged that the United States officers in Utah were the men urging the passage of the bill, and that its passage had not been requested by the people of Utah, Mormon or non-Mormon. Finally he contended that the Poland bill was an attempt to rob the people under the guise of law.¹

The eloquent words of the Utah delegate fell upon his colleagues with no apparent influence. The bill was brought up for a vote soon after his speech and was passed quite handily with 155 voting for the measure, 55 against it, and 75 abstentions. The fate of the bill was now placed in the hands of the Senate. During its short debate in the upper house, an eastern Methodist newspaper sharply attacked Cannon for his religious beliefs and the House of Representatives for allowing the delegate from Utah to keep his seat in that body.

It is enough to make us all blush for shame, to be compelled to confess that the House of Representatives has, all this session, tolerated the presence of a polygamist delegate. Elder Cannon, were he living in any one of the States, would be arrested for bigamy; in Washington he helps to make laws for the whole people. He was bold

¹Congressional Record, 43rd Congress, 1st Session, 4470-73. His entire speech is printed in the Deseret News, June 6, 1874.
enough to say ... that polygamy could only be put down by reason. This is, in some sort, a defiance of the coercive power of our courts.

It is enough to make modern Methodists all blush for shame to think that anybody in these degenerate days should have domestic relations similar to those of Abraham and Isaac and Jacob, and other old prophets and men of God and ancient Israel generally, and more especially that any such body should help to make laws for the whole people. Anybody who makes bold to walk in the footsteps of Father Abraham, and help to make laws for the whole of the people, evidently ought to be crucified, in the opinion of the Methodist. 1

The bill became law on June 23, 1874.

Though the Poland law failed to have the desired effect, the federal judiciary officers began activities and entered upon prosecutions for polygamy. Some arrests were made, including that of George Q. Cannon, but the cases were dismissed.

Forty-fourth Congress, 1875-76

Election of 1874. Delegate Cannon returned to Utah on July 1, 1874. Though he had failed in his initial effort to stop the passage of a bill against Utah, he was warmly and enthusiastically welcomed by his Utah constituency. Brigham Young and George A. Smith, members of the church presidency, journeyed to Ogden to meet Cannon's train and escort him back to Salt Lake City. On their return trip from Ogden they were found to be in busy conversation, making plans for the up-coming Forty-fourth Congress.

The Liberals looked to the 1874 election as a means of officially getting a representative at the nation's capital. They admitted their inability to get their nominee elected, but determined early to contest the outcome of the election, thereby enabling them to send their

1This was an article found in the Methodist, reprinted in the Deseret News, June 23, 1874. Also "Journal History," entry for June 23, 1874.
candidate to Washington. With this object in mind, the Liberals met in convention July 20, 1874, to choose their candidate for delegate. The name put forward at first was that of Henry W. Lawrence. Though he was obviously eligible and deserving of the position, he declined and asked that his name be withdrawn. This left the way open for Robert N. Baskin, who was quickly and unanimously nominated as the standard-bearer of "the freeman of Utah in their contest with priestcraft and theocratic despotism." The convention openly adopted a resolution stating that Baskin was nominated not only to contest the election at the polls, but to contest for the delegate's seat in Congress.

Soon thereafter, the People's party convened for the purpose of legally and formally nominating Cannon. This was done, knowing full well that the election would be contested by the Liberals with an argument based on the polygamous life of the People's candidate. They were determined, however, to have their choice seated in the national Congress.

The campaign proved to be a lively one, consisting of some active work and sharp verbal attacks on the part of both parties. The Liberal party ignited the activities by publishing what they called their "Platform of the Priesthood."

1. All power belongs to and can only be derived from Brigham.
2. Free schools promote indolence, and are destructive to good government.
3. The adoption of, and exclusive use of the Deseret Alphabet to prevent our youths from being contaminated with the literature and sciences of this wicked world.

1 *Salt Lake Tribune*, July 21, 1874.
4. The consolidation of all property in the hands of
the royal family to preserve equality in the masses.
5. Seventy-five cents a day for the laborer and fifty
thousand dollars a year for the priest.
6. It is the duty of the people to pay the debts of all
the Young Profits, and ask no questions.
7. Legislative Assemblies are for the building up of
the Church and granting monopolies to its leaders.
8. Only those who belong to the Holy Order of Enoch
shall be eligible to any office of profit or trust.
9. Nominees selected by all classes of citizens must
necessarily be ring, streaked and speckled.
10. The people have an inalienable right to vote for
officers of Brigham's choice.
11. Marked ballots, that a proper surveillance can be
preserved over Church members.
12. Opposition to any law restricting usury.
13. The importation of Gentile fabrics and devices is
a grand crime, which can only be condoned by inscribing upon
them "Holiness to the Lord."
14. All Territorial and county officers should get
instructions and blessings from Brigham before entering upon
the duties of their several offices, and realize at all times
that to him they owe their nomination to, and continuance
therein.
15. No rotation in office when it can possibly be
avoided.
16. Officers holding the people's moneys shall only be
responsible to Brigham for its proper use, as the people are
incompetent to judge of such things.
17. Brigham Young is, and shall be, Governor of Utah
by the grace of God. President Grant and the Congress of
the United States to the contrary notwithstanding.1

The entire campaign of the Liberal party was based on the friction
that had been caused in the preceding Congress about Cannon being a
polygamist, and contended that he had been "sent to Washington by his
royal master, to show his contempt for the laws of Congress and force
polygamy upon the country."2

The People's party continued to present their candidate as the
people's choice and attempted to discredit the Liberal party in all
affairs of the territory. During the entire campaign proponents of

1 Printed in the Salt Lake Tribune, July 25, 1874.
2 Ibid., July 29, 1874.
Cannon had said much about the general gentlemanly appearance of the delegate. The Tribune, being somewhat annoyed by the entire affair, printed the following anecdote:

We would remind our meek and lowly Apostle of a lesson drawn from fable. Narcissus was a beautiful Greek youth like the Apostle Cannon. He became enamored of his beauty, and haunted the streams that he might feast his eyes on their crystal surfaces with the image of his lovely form. The jealous gods grew angry at being defrauded of the worship due them, and changed the vain youth into the flower which bears his name. Suppose the Apostle's four wives should have their jealousy aroused at their husband's self-love, and should pray Brigham to reprove his courtier's sin. And suppose the Prophet should listen to their request, and change the garrulous self-worshipper into an obese poll parrot to replace the carved monstrosity up over the Eagle gate. This would be a new chapter to add to Ovid's Metamorphoses, and would prove a wholesome caution to guard our ingenuous youth from the sin of self-adoration.¹

The election was held on Monday, August 3, 1874. Cannon polled a commanding 24,863 votes to 4,518 for Baskin.² Though the Mormons continued to poll a dominant majority, it should be noted that the Gentiles increased their total vote by more than 200 per cent over the election of 1872. The Liberals accused the Mormons of illegal tactics, including "casting votes for the spirits of the departed,"³ and publicly announced their intention of contesting the election at Washington.

The general attitude of the nation was hostile toward the Utah choice and argued that in view of the fact that Congress had most emphatically pronounced against the future admission of polygamists to seats in that body, the re-election of Cannon, the self-confessed

¹Ibid., August 15, 1874.
³Salt Lake Tribune, August 4, 1874.
polygamist, was simply a deliberate insult to the American government. "Out of self-respect, Congress cannot afford to permit Brigham's chosen ambassador to deliberately defy the National law."  

Governor George L. Woods, a Liberal sympathizer and rabid anti-Mormon, refused to issue a certificate of election to Cannon. This situation continued until early 1875, when Woods was replaced as governor by Samuel B. Axtell, of California, who immediately issued the certificate. This prompted Baskin to journey to Washington in an effort to unseat Cannon in the House of Representatives.  

Baskin charged that Cannon was not an American citizen. He argued that the English-born Utahn's naturalization certificate could not be proved authentic and that in any case he had not been eligible for citizenship on December 7, 1854, the date of his certificate, because he had only recently returned to Utah from an approximate four-year stay in the Sandwich Islands. Baskin also charged that the Mormon politician was a polygamist in violation of the anti-bigamy law, and that he regarded his obligation to the Mormon theocracy as superior to his obligation to national law. He alleged that those who had voted for Cannon had knowingly thrown away their votes on someone obviously unqualified, and contended that the minority who had voted for a

---

1 This statement appeared in an article of the Omaha Bee, and was reprinted in the Salt Lake Tribune, August 9, 1874.  


qualified candidate should be allowed to have him seated.¹

Charles A. Eldredge, a former Democratic congressman from New York, acted as legal counsel for Delegate Cannon and presented a brief in the latter's behalf. The brief argued that since American law did not give a minority candidate an office to which the majority candidate was ineligible Baskin did not have a right to the seat.²

In regard to the polygamy accusation, the brief said that even if such were shown, Congress had passed no law adding anything beyond the constitutional qualifications of members.³

In regard to citizenship the brief cited numerous precedents that a naturalization certificate, if in proper legal form, was conclusive evidence of its own validity. The brief argued further that the burden of proof as to the certificate's not being valid would lie with the contestant, and the contestant had failed to prove his charge.⁴ The brief argued that when a person traveled away from his home, his intention to return was a controlling consideration in determining that his residence continued at his original home. Evidence was cited that Utah had remained Cannon's residence.

The Committee on Elections, newly controlled by Democrats in the Forty-fourth Congress, was favorable to Cannon, but they did not want the burden of defending him on the House floor. So the case never came

¹Ibid., 10.
³Ibid., 23-31.
⁴Ibid., 18-23.
to the floor for a vote and Delegate Cannon continued to function as
the sitting delegate. 1

The Utah delegate regularly introduced bills to grant statehood
to the territory, but these persistent pleas made no real progress in Congress. However, Colorado, bordering Utah on the east, was granted statehood during the Forty-fourth Congress even though its population had been smaller than Utah's in previous censuses. Delegate Cannon, in an able speech before the House, endorsed the enabling act for Colorado and pledged Utah's support to the new state.

The Forty-fourth Congress was unusually barren of any legislation concerning Utah. The Utah delegate presented minor memorials and resolutions to the House, but nothing of special significance. 2 As a result, Cannon's office was of little significance to Utah, during this term, other than that she was being represented in Congress.

Forty-fifth Congress, 1877-78

Election of 1876. We find that the election of 1876 failed to arouse the interest that had been prevalent in the two previous elections of which Cannon was a part.

The People's party met in convention on October 7, 1876, for the purpose of nominating Cannon to continue as their territorial delegate, and to adopt a platform that would be favorable to all concerned. Cannon was nominated by Daniel H. Wells and seconded by ex-Delegate Hooper.

---


2Some of these are found in Congressional Record, 44th Congress, 1st Session, 213, 477, 1072, 1205, 1679, 1814, 2459.
When the roll of the counties was called each one, in turn, unanimously ratified the nomination and it was carried without a single dissenting vote.¹

The convention adopted a group of resolutions that were to act as a guide for the delegate in his labors for Utah in the up-coming Forty-fifth Congress. They agreed that the delegate should take immediate steps to procure the necessary legislation for the admission of Utah into the Union and urge the passage of a bill authorizing the people of all the territories to elect their governors and other officers, in accordance with the idea of popular sovereignty. Furthermore, they requested that their elected delegate cooperate with the delegates from other territories for the attainment of all the rights and privileges which "we claim or desire for the Territory of Utah, the future free and powerful mountain state, which will yet pour out her treasures ...."²

The convention adjourned after adopting a resolution stating that ratification meetings were to be held by the people throughout the territory endorsing the nomination of Cannon, and that each member pledge himself to secure the largest possible legal vote for the candidate.

The Liberals placed a candidate in the running on October 10, 1876, when they nominated Robert N. Baskin for another try. They campaigned on the theme that the vital need of the Territory of Utah was the immediate expulsion of polygamist Cannon and the adoption of

¹"Journal History," entry for October 7, 1876. Also Deseret News, October 11, 1876.

²Ibid.
a truly free ballot. They boasted that they were the ones getting the votes of the only free people of the territory. They insisted that the contest before the people was the choice of "this champion of free government and liberal ideas to represent them in Congress or Apostle Cannon, a bigoted ecclesiastic, professedly devoted to the imposture of his prophet-master, who has avowed himself opposed to free schools, and who decrées public improvements because they turn the thoughts of the pious men from heaven."\(^1\) They pronounced Cannon as Brigham Young's candidate, who had been forced upon the people just as he had resolved to force polygamy upon the American nation. It was contended that the people had no more to do with his nomination than they normally had with the appointment of a ward bishop.

The following words sum up the Liberal feeling concerning the People's candidate and the accepted part in the election played by Brigham Young:

When a man becomes distasteful to the majority of the people, you may rest assured that Brigham will give him some important office. Men who are aspiring to leadership do not look to the people for preferment. Brigham is the one before whom they prostrate themselves. Such as are unwilling to sacrifice their manhood need not look for preferment in the kingdom of Brigham.\(^2\)

The election was held on Tuesday, November 7, 1876. Though the People's party won again with comfortable margins, the Liberals noted gains in most of the counties while the church party noted losses. The total count showed 19,658 for Cannon and 3778 for Baskin.\(^3\)

The Forty-fifth Congress produced no further legislation on the

---

\(^1\)Salt Lake Tribune, October 21, 1876.

\(^2\)Ibid., November 3, 1876.

\(^3\)Salt Lake Tribune, November 8-23, 1876.
Mormon question. There were a few insignificant bills introduced to make it easier to challenge Mormon jurors in polygamy trials. But they all died in committee or on calendar, none of them ever were given a vote by either House.

Delegate Cannon continued to ask Congress for statehood, but the proposal only got as far as the Committee on Territories.¹

The principal reasons why no anti-Mormon legislation was adopted in this period and during the following Congress were many: first, some congressmen wanted to see how the Poland Act would work before enacting further legislation; second, during these Congresses the House was controlled by the Democrats for the first time since 1861. Philosophically the Democrats were more in favor of local self-government than the Republicans of that period. Also, the Democrats viewed Utah as a future Democratic state and were not anxious to alienate the Mormons with repressive legislation. Third, there were many national issues which captured congressional attention, including (1) the partisan conflicts which followed the overwhelming Democratic victory in winning control of the House and increasing its minority strength in the Senate; (2) the Hayes-Tilden election controversy of 1876 and the protracted dissension which followed; (3) the heated issues relating to the currency, civil service reform, ending of federal intervention in the South, appropriation bills, fisheries and shipping disputes, and Chinese immigration.²

¹Congressional Record, 45th Congress, 1st Session, 196. Other minor petitions and bills introduced by the Utah delegate are located in the Congressional Record, 45th Congress, 1st Session, 197, 251, 243, and Congressional Record, 45th Congress, 2nd Session, 99, 746, 1047, 1286, 1322, 1466, 1819, 26, 75, 2709, 2927, 2981-82, 3389, 3723, 4562, 4890.

Death of Brigham Young, 1877. An era in Mormon history ended in 1877 with the death of Brigham Young on August 29. Delegate Cannon spent much of his time in Utah during the Forty-fifth Congress attending to church business. He was in Utah for several weeks before the death of the Mormon leader and remained at home for several months following the funeral. The Gentiles were quick to criticize the Mormon Apostle for spending more of his time in Utah filling his responsibilities "in his priesthood" than in Washington representing the interests of his Utah constituency. They blamed the delegate for failing to keep the Mormon issue before Congress. This, according to the Liberal leaders, led to the postponement of statehood for Utah.1

Delegate Cannon conducted the funeral services for Brigham Young. He expressed his appreciation for the opportunity of having known and worked with the president, and noted his feelings in the following way:

He has been the brain, the eye, the ear, the mouth and hand for the entire people of the Church of Jesus Christ of Latter-day Saints. From the greatest details connected with the organization of this church down to the smallest minutiae connected with the work, he has left upon it the impress of his great mind. From the organizations of the church, and the construction of temples; the building of tabernacles; from the creation of a provisional state government and a territorial government, down to the small matter of directing the shape of these seats upon which we sit this day; upon all these things, as well as upon the settlements of the territory, the impress of his genius is apparent. Nothing was too small for his mind; nothing was too large. His mind was of that character that it could grasp the greatest subjects, and yet it had the capacity to descend to the minutest details. This was evident in all his counsels and associations with the saints; he had the power, that wonderful faculty which God gave him and with which he was inspired.2

1Evidence of the feelings of the Gentiles can be found in the Salt Lake Tribune for the period of July, 1877 to June, 1878.

2Quoted in Brigham H. Roberts, Comprehensive History of the Church of Jesus Christ of Latter-day Saints, (Salt Lake City, Utah: Deseret News Press, 1930), V, 517.
Forty-sixth Congress, 1879-80

Election of 1878. The two years of the Forty-fifth Congress passed quietly as far as Utah was concerned. Other than the regular objections made by some anti-Mormon groups scattered throughout the nation, the country seemed undisturbed about the Utah polygamy issue. Cannon was not heard from and the Mormons of Utah seemed quite content to enjoy their brief respite from the repressive actions of Congress.

The election of 1878 was a reminder of the elections in Utah during the very early years of territorial experience. The People's party again placed Cannon on their ticket but the opposition failed to arouse enough interest to run a candidate. Though they had made certain gains in the previous territorial election, the Liberals failed to garner the needed support to actively participate in this election.

Proponents of Cannon became quite concerned over the general lack of interest that prevailed throughout the entire territory. The Utah Mormons were reminded that the lack of opposition did not mean that they could relax in the least degree their diligence, nor imagine for a moment that a full vote was unnecessary. They were convinced that a small total of ballots would be a poor compliment to pay to a public servant whose "untiring efforts, fervent zeal and great parliamentary experience are well understood by those who watch the progress of governmental affairs, and conceded by all who appreciate talent and perseverance, whether they be friends or foes."¹

Election day was Tuesday, November 5, 1878. The day passed quietly with a rather small vote being polled. The returns showed

¹"Journal History," entry for November 2, 1878.
14,221 for Cannon, and a scattering of fifty-seven. Most of these were cast for Robert Baskin.¹

The emergence of the "Anti-Mormon Crusade." The relative feeling of indifference toward the Mormon issue that prevailed during the Forty-fourth and Forty-fifth Congresses was not destined to live for very long for there were certain issues that led to the resurrection of the anti-Mormon effort.

First, on January 6, 1879, the supreme court of the United States rendered a decision sustaining the constitutionality of the anti-bigamy law of 1862. This decision was the result of the polygamy case of the United States vs. George Reynolds.² For some time there had been a desire on both sides of the polygamy controversy to have the pronouncement of the Supreme Court of the United States upon this law of 1862. It was announced that a number of leading Mormons, with their consent and approval, would be indicted for the violation of the bigamy law of 1862, in order to test the constitutionality of that law. George Reynolds, private secretary of Brigham Young, was voluntarily submitted himself for indictment.

Upon his indictment, he was tried and convicted by the local district court. An appeal was taken to the supreme court of the territory which affirmed the decision of the lower court, July 6, 1876. As contemplated from the beginning an appeal was taken to the Supreme Court of the nation, where, on the 14th of November, 1878, the case was argued. Two days were occupied by the arguments, and the

¹Deseret News, December 11, 1878.

²The entire Reynolds case can be found in detail in Roberts, op. cit., V, 468-74, and Whitney, op. cit., III, 45-56.
case was then taken under advisement. The court's decision upholding the constitutionality of the 1862 law was issued January 6, 1879.

Up to this point, the Mormons had escaped harsh legislation by Congress. However, the Supreme Court decision added more moral strength to those who were crusading to force the Mormons to obey the anti-bigamy law that prescriptive legislation became practically inevitable.

Delegate Cannon similarly observed that the decision marked the beginning of anti-Mormon legislation. He noted that petitions were pouring in from all parts of the country from the women of religious sects asking for additional legislation to make more effective the anti-polygamy law of 1862. This evoked "a power which politicians do not like to displease."¹

Another issue that led to the emergence of new anti-Mormon legislation was the Third Annual Message of President Hayes, delivered on December 1, 1879. He pointed out that although the anti-bigamy law had been enacted more than seventeen years previously, it had not stopped polygamy. He called for stringent legislation to prevent as well as punish polygamy. He also asked that if necessary "the rights and privileges of citizenship" should be withdrawn from those who opposed enforcement of the law.²

The following year, in his Fourth Annual Message, December 6, 1880, the President called anew for legislation to solve the Mormon problem. He urged that Utah's legislative assembly be replaced by

¹Mark W. Cannon, op. cit., 70.
²Messages and Papers of the Presidents, VII, 560.
commissioners appointed by the President with Senate confirmation.\textsuperscript{1} He also recommended that the right to vote, hold office, and sit on juries be restricted to those who neither practiced nor upheld polygamy.

Cannon felt sure that the President's message had given the death blow to any idea of procuring the admission of Utah as a state during the Forty-sixth Congress. He criticized very severely the President's assertions concerning the Mormons. He held several interviews with the President in an effort to disabuse him of some of the prevailing notions on the subject.\textsuperscript{2}

A third reason for this changing attitude in Congress was the part played by the professional clergy throughout the nation. They were successful in stirring the minds of the general public into open opposition against polygamy. This brought pressure to bear on congressmen who were obliged to press for restrictive action on the part of the national Congress.

On the Utah front, the moderate Governor Emery was replaced by Governor Eli H. Murray, in February, 1880. The new official worked closely and effectively with the Utah Gentile leaders in encouraging repressive measures to be taken in regard to the Mormons.

In November, 1878, a public mass meeting of non-Mormon women convened in the Congregational Church at Salt Lake City and drew up an address to Mrs. Rutherford B. Hayes, wife of the President. The address made a scathing arraignment of the alleged evils of polygamy, deplored its practice in the name of religion, and also that a

\textsuperscript{1}Ibid., 606.
\textsuperscript{2}"Journal History," December, 4, 1879.
polygamist with four wives--George Q. Cannon--was permitted to sit in Congress. They urged the women of the United States to join in urging Congress to empower its courts to arrest the further progress of this evil, and to delay the admission of Utah into statehood until this was accomplished.¹

These were the complexities that made the situation in Utah tense. It was obvious, as the Forty-sixth Congress closed, that the up-coming session of Congress was fated to witness active and stringent action against the Mormon polygamists. This placed Delegate Cannon in a rather precarious position.

The Boston Watchman, a paper published in the interests of the Baptist church, outlined the new anti-Mormon campaign as follows:

The first proposed point in the new campaign is to prevent the admission of Utah as a state until polygamy is abandoned.

The second is to induce congress to repeal the law making women in Utah voters.

The third is to induce congress to disfranchise every man and woman living in polygamous marriage. And if this is not sufficient "to defeat the political views" of the Mormons, "to disfranchise the offspring of all unlawful wives."

The fourth is to rescue the public schools from the control of the Mormons, and to insist upon the establishment of free schools and prohibit the teaching of denominational sentiments in them.²

The Forty-seventh Congress, 1881-1882

The election of 1880. In the 1880 election in Utah the Liberal party, which received new life after the Reynolds' decision, made fresh efforts to capture Utah's congressional delegate seat. A new

¹This entire address and other parts of the meeting will be found complete in Deseret News, November 13, 1878.

²Quoted by Roberts, op. cit., V, 539.
standard bearer was needed to be chosen to rally the Liberals for the conflict. Even Baskin, the last contestant, felt this need, and though his personal record was acceptable to his party, he knew it was quite useless for him to again contest for the seat with Cannon. It was recognized that they needed a man of considerable strength of character who represented the mining interest, and one who could unite the mining constituents throughout the territory. In this view of the case, Allen G. Campbell stood above all others, and before they met in caucus for the nomination it was known among the leaders that Campbell was the choice.

The nominating convention was held in the Liberal Institute Building, Salt Lake City, on the 22nd of September, 1880.¹ For years there had not been such an enthusiastic gathering of that party. It was marked by the bitterness in its denunciations of the Latter-day Saints, their church, and their political organization. Governor Murray, in a short speech, gave a bold declaration of war between "the American Republic and the Mormon Polygamic Theocracy."² This was the keynote of the convention and of the campaign which followed.

Allen G. Campbell was nominated by acclamation. Campbell was a large mine owner in Beaver county, and quite generally identified with the business interests of the territory. He was born in Missouri and had come to Utah in 1870, having been attracted by the mining development of the territory. Under all the circumstances he was,

¹The time for holding the delegate election had been changed pursuant to a law of Congress enacted in 1872, supplemented by an act of the local Legislature in 1876. The election, formerly held in August, now took place in November.

²Edward W. Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Company, 1886), 824.
perhaps, as strong a candidate as the Liberal party could choose at the time.

The territorial convention of the People's party met on October 7, 1880 and nominated Cannon for his fifth successive term. Though the issue of polygamy was bound to be a major problem before Congress, and, though Cannon was a confirmed polygamist, the church party was still determined to have their interests represented by the Mormon Apostle. It was also in October, 1880, that Cannon was appointed a member of the First Presidency of the church. This, no doubt, had some bearing on his re-nomination.

Delegate Cannon was in Washington at the time of his nomination. He sent a letter of acceptance to the People's party central committee and pledged his support and interest to the Utah cause. He quickly admitted that the fact that he was a polygamist would be a definite strike against him, but promised to uphold the faith and trust placed in him by his Mormon constituency by attempting to do his best.¹

The People's party, sure of victory, concerned themselves with an effort to stimulate the Mormons to realize the propriety of sending Cannon to the capital city with as large a vote and majority as possible.

The Liberals, on the other hand, put forth every exertion of which they were capable. They were convinced that they could not yet win at the polls, but felt confident, in light of the anti-polygamy sentiment settling over the nation, that they could be victorious in an effort to contest the election at Washington. Their speakers

¹Letter from George Q. Cannon to R. T. Burton, chairman of the People's party central committee, October 9, 1880. (MS located in the Church Historian's Office, Salt Lake City, Utah.)
spread themselves over the greater part of the territory, calling upon their forces to rally for the contest, and inviting their opponents to "throw off the shackles of priestly rule," and be free.

They attacked the Woman Suffrage Act, holding it to be invalid, and strove to secure the disfranchisement of the women of Utah, most of whom, of course, were Mormons. The matter was brought before the supreme court of the territory which refused to mandamus the registrar to remove the names of women from the registration lists, and the women voted.

During the progress of the campaign Governor Murray sent a report of conditions in Utah to the Secretary of the Interior. The chief purpose of the report was to influence public opinion against the Mormon church, and to add to the pressure brought upon Congress by public opinion to pass anti-Mormon measures then pending before that body. The governor's principal plea was that the anti-polygamy laws should be enforced or repealed. This prompted President Hayes to recommend certain oppressive action against polygamy in his message to Congress in December, 1880. It further awakened the anti-polygamy feeling throughout the United States and caused more attention to be paid to the Utah delegate election.

The election passed off quietly on Tuesday, November 2, 1880. Cannon won the election with an overwhelming majority of 18,568 votes to 1,357 votes for Campbell. The small Liberal vote in the election was attributed to the fact that for several years the Liberal party had


2 The decision of the court in full is printed in the Deseret News, October 6, 1880.
been practically dead. The smallness of the vote, however, did not prevent institution of a contest for the seat at Washington. Campbell, it appears, had some objections at first to making a contest for the seat at Washington, owing to the very unsatisfactory results at the polls. But this objections were soon overcome by his party leaders and managers. On December 12 a protest against the issuance of the certificate to Cannon was filed with the governor of the territory. The protest recited a number of reasons why the certificate should not be given to the delegate-elect, chief of which were: that the votes cast for Cannon were declared to be illegal; that Cannon was an unnaturalized alien; being such, he was not eligible to the office of delegate to Congress; that the female votes ought not be counted; that Cannon was a polygamist, thus defying the anti-bigamy law of 1862.

A copy of this paper was sent to Delegate Cannon at Washington, and he forwarded his reply, answering each allegation in its order. He argued that the Governor's role was limited by law to giving the certificate to the candidate who received the electoral majority. Upon this basis Cannon demanded that Governor Murray issue the certificate of election to him.

In regard to the allegation that he was an alien, Cannon replied that he could prove, without doubt, that he was a citizen of the United States to the satisfaction of the House of Representatives. As to polygamy, the delegate reminded his opposition that the Committee on Elections of the Forty-third Congress, when George R. Maxwell was the

---

1 For a complete list of the charges made against Cannon see Whitney, op. cit., III, 143.
contestant, had unanimously held, and the House had concurred in the
view, that the only qualifications or disqualifications of delegates
were those prescribed by the Constitution for Representatives. He
further maintained that the committee had found that polygamy was not
a disqualification for a seat in the House of Representatives of the
United States.

Nevertheless, Governor Murray, determined to aid the Gentile
cause, gave the certificate to Campbell on January 8, 1881. He
argued that Cannon was not a legal citizen of the United States
and that Campbell had received the greatest number of votes cast for
any citizen.

The Mormons were furious and Governor Murray's action was
condemned by several responsible newspapers throughout the country.¹

Cannon gave notice of contest and obtained from the secretary of
the Territory of Utah a statement of the vote. With this he persuaded
the clerk of the outgoing House to place his name on the roll.
However, the new speaker declined to recognize the roll of delegates,
and Cannon was not sworn.²

On December 6, 1881, Representative Dudley C. Haskell (R-Kan.)
moved that Campbell be sworn in, based on his prima facie case. The
issue was postponed and came up for debate on January 10, 1882.
Considering Campbell's very small percentage of the vote, the House
rejected his certificate of election, and instead, adopted a substitute
resolution referring the contest to the Committee on Elections with

¹A collection of these comments will be found in the Deseret News,
January 19 and 26, 1881.

²Congressional Record, 47th Congress, 1st Session, 34. Record
of the contest can be found in U.S. Congress, House of Representatives,
House Miscellaneous Documents, 47th Congress, 1st Session No. 25,
serial 3024.
instructions to report as soon as practical either the prima facie right or the final right of the claimants to a seat.¹

In their report the majority concluded that neither Cannon nor Campbell was entitled to the seat, various members presenting different justifications for their conclusions. The question at stake was whether the practice of polygamy disqualified a delegate. William H. Calkins (R-Ind.), chairman of the Committee, concluded that since the Constitution made no reference to delegates, they only existed and had rights as given by Congress. He even went further and insisted that any law pertaining to delegates applied only to the House. He then recommended that the House vote against the seating of a polygamist.²

The minority report took the position that Cannon was not disqualified and was entitled to his seat. They argued that Cannon clearly had an overwhelming majority of the votes cast in the Utah election and that he clearly met the constitutional requirements of House membership. They insisted that all the laws of the Constitution ruled over the territories. In regard to polygamy the minority argued that since Cannon's practice of polygamy was a part of his religion, the rejection of the delegate-elect on grounds of polygamy would deny him the benefit of the sixth article of the Constitution, that: "No religious test shall ever be required as a qualification for any

¹Congressional Record, 47th Congress, 1st Session, 340, and House Journal, 47th Congress, 1st Session, 256.

office of trust."

In the meantime, Cannon was making every effort to be enrolled as the delegate from Utah. There were in effect two certificates placed before the clerk of the House; one declaring that Cannon was the person receiving the greatest number of votes at the election, and the Murray certificate declaring that Campbell "was the person, being a citizen of the United States, having the greatest number of votes," and therefore duly elected. Then, in pursuance of his effort to gain admittance to the House, Cannon appeared before George M. Adams, the chief clerk of Congress, whose duty it was to make up the roll of membership in the Congress-elect. Cannon submitted a copy of his certificate which stated that he had received the greatest number of votes.

Consequently, Adams ignored the Campbell certificate and placed Cannon's name upon the roll, and the latter began drawing the compensation due him as delegate from Utah.

Clerk Adams was very generally censured by the Republican press of the country for ignoring the certificate given to Campbell by Governor Murray, and enrolling Cannon's name. But it is worth noticing that with all their bitterness none of them accused Adams of doing any wrong to Campbell.¹

Naturally the Utah Liberal leaders were enraged at the course taken by Adams. They took immediate steps to regain the lost ground which had slipped so suddenly and unexpectedly from under the feet of their candidate. Accordingly they brought suit in the name of the

¹These comments can be found in Deseret News, issues for the months of March and April, 1881.
United States on June 8, 1881, against Cannon, on the ground of action being his alleged lack of citizenship. On hearing the arguments Judge John A. Hunter, district court judge, dismissed the case on the ground that the plaintiff had no right to prosecute the case and the court had no jurisdiction to hear it.¹

The Edmunds Law, 1882. Meanwhile, in view of all the public agitation against polygamy expressing itself in demands upon Congress for action, it became evident that the Forty-seventh Congress would witness the passage of stringent legislation against the practice. Action was begun on the 24th of January, 1882, when Senator George F. Edmunds (R-Vt.) introduced into the Senate a bill that later became a law bearing his name.² This bill proposed to amend the anti-bigamy law of 1862. It defined polygamy as a crime, punishable by law. The penalty was the same as the law of 1862, five hundred dollars fine or five years imprisonment, or both a fine and imprisonment. It excluded from jury service those who had been living in bigamy or polygamy or unlawful cohabitation.

Section 9 of the bill declared all registration and election offices vacant, and provided for a board of five commissioners appointed by the President of the United States to assume the duties of the said registration and election officers. Finally, it prohibited any polygamist from holding any public office, a clause that was to have direct bearing upon the Cannon case.³

¹Tullidge, op. cit., 831.
²Congressional Record, 47th Congress, 1st Session, 68.
³For a complete text of the Edmunds bill see Congressional Record, 47th Congress, 1st Session, 1152-63. For excerpts of the bill see Appendix C, 292.
Edmunds worked hard to have his bill advanced upon the calendar, and finally succeeded in having it set for hearing on the 15th of February, 1882. Its opponents in the Senate were senators chiefly from the southern states where the evils of carpetbag rule had been felt during the reconstruction period following the war between the states. But their arguments, able and even brilliant as some of them were, availed nothing; the bill passed by a substantial majority after one day of debate.  

That public pressure for legislation against the unpopular Mormons of Utah was mounting in Congress is evidenced by the numerous petitions and memorials that kept pouring in from all parts of the country. The magazines and journals were filled with inflammatory articles calculated to sow prejudice and hatred against the Latter-day Saints. This, coupled with the fact that Edmunds was insistently hurrying his proposed legislation through Congress, aided in limiting constructive opposition to the Edmunds bill.

During the debates on the Edmunds bill in Congress, the Anti-Polygamy Standard, a Salt Lake City publication, made reference to polygamy and contended that Brigham Young had sent Cannon to Congress in defiance of national law concerning polygamy. In an article of February, 1882, the following allegation was stated:

Brigham Young in his arrogance, thought to show the country, that he, the Mormon autocrat was superior in power and would dictate to the Government of this vast Republic. So, in a public speech in the Tabernacle, after ridiculing the idea that the "Kingdom of God" could be interfered with by any earthly Government, he said, "I will send a polygamist to their Congress, and in so doing, will cram polygamy down the throat of the American nation." Consequently, George Q. Cannon, a

---

1 Congressional Record, 47th Congress, 1st Session, 1217.
polygamist with four wives was nominated and elected, and which seat he has disgraced for eight years. Shall he be permitted to do so any longer?

Let the American nation answer.¹

The bill came up for consideration in the House on the 13th of March, 1882.² The member in charge of it, Mr. Haskel, of Kansas, and his supporters, refused to have it referred to the Committee of the Whole, which would have resulted in a fuller discussion. The entire discussion occupied only two hours; little opportunity was given for amendments, and speeches were limited to five minutes each. Every effort was made by the friends of the bill, who were in the majority, to prevent a full and free discussion of its provisions.

On the morning of March 14, the House resumed its brief consideration of the Edmunds bill. It was a noisy session. The Speaker was obliged to request members to take their seats in order that business might proceed.

As in the Senate, the bill found most of its supporters on the Republican side of the House, and most of its opponents on the Democratic side.³ It was evident, however, from the beginning of the debate that the bill would surely pass. When a vote was called, it showed a victory of 199 to 42, with 51 abstentions.⁴

With the passage of the Edmunds bill the final outcome of the 1880 Utah election became quite obvious. When the contest case came up for a final consideration a number of the representatives confessed

¹Anti-Polygamy Standard, Salt Lake City, Utah, February, 1882.
²Ibid., 1732.
³For the debates in the House on this bill see Congressional Record, 47th Congress, 1st Session, 1845-77.
⁴Ibid., 1877.
that the passage of the Edmunds law had materially affected their attitude in respect of the Utah delegate's contest. That whereas before the enactment of the Edmunds law they had favored the seating of Cannon, they now could not consent to vote for him.

The case was argued in the House of Representatives on the 18th and 19th of April, 1882, and resulted in the adoption of the report signed by a majority of the Committee on Elections. The resolutions were:

Resolved, That Allen G. Campbell is not entitled to a seat in this Congress as Delegate from the Territory of Utah.

Resolved, That George Q. Cannon is not entitled to a seat in this Congress as Delegate from the Territory of Utah.

Resolved, That the seat of Delegate from that Territory be and is hereby declared vacant.¹

The first resolution was adopted unanimously; the others by a vote of ten to five. The Committee, with one exception, were unanimous in the view that Delegate Cannon's citizenship was valid, and that he had received the highest number of legal votes cast at the election. The main question dividing the Committee was whether or not polygamy was a disqualification to the office of delegate.

George Q. Cannon was permitted to address the House for one hour before the final vote was taken to determine his congressional status. It was a remarkable privilege that was granted to Cannon. It should be remembered that he had not been allowed to be sworn in as the delegate from Utah, nor in any sense to take his seat. He won the unusual privilege because he sprung his request at the last moment of the debate. The request came in the way of a surprise. It speaks well for the sense of fair play on the part of the House of Representatives.

¹Congressional Record, 47th Congress, 1st Session, 3001.
that it was granted. It is evidence also of the esteem in which Cannon was held in the House that such a privilege should be accorded to him.

When Cannon arose, every member was in his seat, and the galleries were crowded. There was substituted for the noisy confusion of the previous debate a demanding silence. It was on Wednesday, April 19, 1882, that he delivered his speech. He briefly sketched Utah's record in Congress during the past thirty-two years, showing that the territory had been represented by four delegates. He denied that a union of church and state existed in Utah, or that he represented any church in Congress. He maintained that all the forms of political procedure prevailed in Utah as in other territories and in the States. He defended plural marriage as a divine institution. He then showed that the Mormons had sincere religious convictions upon the subject of patriarchal marriage, and were willing to accept the practice as a principle of divine origin. At one point he referred very feelingly to the undesirable position had he himself occupied in coming to Congress:

You know gentlemen, the position I have occupied here now for nine years, is one which no one capable of filling the place would desire to occupy. It is not pleasant to be made a target for every man who wishes to gain credit for his morality to aim his arrows at. In coming here, however, I have been sustained by the consciousness that I was at a post of duty where it was necessary for some one to represent the people, and that I had the solid support of my constituents.¹

In conclusion he said:

If the report of the majority of this committee shall be sustained, I shall leave this Hall of Representatives with a feeling and a conscience which will give me far more

¹Congressional Record, 47th Congress, 1st Session, 3069.
satisfaction in the days to come than if I were a member of this House and voted in favor of the adoption of the report of the majority declaring this seat vacant. I am a resident of Utah Territory, and one of those people who are everywhere spoken against, and against whom many vile charges are made, as were made against their predecessors, the Church of Christ, in the early days, and as Jesus predicted would be the case; Yet I do respect my oath, and I pity any gentleman who, with nothing to sustain him but popular sentiment, is willing to trample upon the Constitution and the law, and to strike down a people against whom popular sentiment is strong.¹

The speech occupied a little more than an hour, and he spoke, as usual, without notes. He was listened to with profound interest and attention, and was warmly applauded and congratulated at the close. One who had listened to the speech from the galleries wrote: "Taken as a whole, the speech was delivered with great power, and several members, as they listened to the eloquent and pathetic appeals of the honorable gentleman, were moved to tears."²

After Cannon's speech one hour remained for closing the debate by members supporting the majority report of the House Committee on Elections. The vote was then taken. It showed 123 yeas and 79 nays, far short of a two-thirds majority. Campbell was not allowed to be seated either. It is interesting to note that had the House decided to treat delegates the same as members in regard to qualifications and expulsion, the necessary two-thirds vote to expel Cannon probably would not have been secured.

With Cannon's expulsion, the curtain was rung down on one of the most spectacular contest cases in the history of the American Congress.

¹Ibid., 3070. For excerpts of his speech, see Appendix D, 293.

Cannon had been in a helpless position during the First Session of the Forty-seventh Congress. He had not been sworn in as the Utah delegate, thus he was prevented from truly representing the interests of Utah. He found it impossible, though he had tried in personal interviews and conversations, to abate the flow of anti-Mormon and anti-polygamy sentiment in Congress. He was never able to muster any serious opposition to the Edmunds bill and found that too much of his time was taken up by the election case to allow him to plan and inaugurate any favorable legislation for Utah.

The Utah delegate had won his way to the hearts of many of his colleagues. He had made it a point to acquaint himself with all departments and functions of the government and keep himself well informed concerning all national and local matters. He was regarded by his associates as a wise statesman, and admired as one of the ablest speakers in the House.

The unseated delegate returned to his Utah home June 21, 1882. Upon his arrival the Deseret News printed the following article in defense of the church Apostle:

Our Delegate was prevented from taking his seat by a plain violation of the established rules of the House of Representatives, and by the operations of prejudice and partyism. That he was duly elected, and that he is a citizen of the United States, that he possesses all the constitutional qualifications of a member of Congress had to be acknowledged alike by friend and foe, and he was further pronounced, in the qualities of a gentleman, the peer of any man in the House. Yet he was excluded to satisfy the clamors of religious mobs and to make party capital, although he was accorded full pay and mileage up to the time of the vote upon his case in the House . . . .

That the people of this Territory are now unrepresented in Congress is no fault of his. That they are not misrepresented by a fraudulent Delegate, unelected and an enemy to their dearest interests, is largely due to Hon. George Q. Cannon, his indefatigable exertions, his parliamentary knowledge, and his personal influence as a gentleman of known integrity and ability.
The thanks of his constituents are due for the gallant manner in which he has fought their battles at the seat of government, and there is no public servant in this great Republic who has gained as much as he the affection, esteem and thorough confidence of the people who supported him by their suffrages. He is welcome home.¹

He was welcomed home by all. Great mass meetings were held in Ogden, Salt Lake City, and Provo. Thousands sent letters of congratulations, encouragement, and appreciation, and several more visited his home personally to extend their respect and regards. That he was loved and respected by all of the Mormon faith, there is no doubt. He has lived in memory to this day in the hearts of the Mormon people.

He remained a target for the anti-polygamy crusaders throughout the remainder of his lifetime. In 1880, he was chosen as First Counselor to President John Taylor in the church First Presidency. Upon the death of President Taylor, Cannon was again chosen as First Counselor to serve with the newly appointed president, Wilford Woodruff.

His latter years were spent in travel, both nation-wide and abroad. When his health began to fail he sought refuge in the milder climate of the Pacific Coast. It was on the 12th of April, 1901, at Monterey, California, that the former delegate died.

Cannon left five wives (his first wife having died in 1882) and thirty-two children, to mourn the loss of a much loved husband and father. Whitney has had this to say of him:

He would have been a man of mark in any community. Had he remained in his native England, he would probably have been heard of in Parliament, and it is within the bounds

¹"Journal History," June 21, 1882.
of conservative calculation to imagine such a one the peer of Gladstone, Disraeli and other premiers of the realm. The close of his career in Congress, which marked a division between epochs in local history, was not by any means the end of his usefulness as a servant of the public. His power did not reach its acme until he became one of the Presidency of the Church. No man in Utah, after the passing of President Brigham Young, wielded with all classes so great an influence as President George Q. Cannon, and this influence was felt up to the very close of his life.¹

¹Whitney, op. cit., IV, 663.
The enforced retirement from the United States Congress of George Q. Cannon ushered in a new era in Utah's congressional history and brought to the front a man well qualified to assume the vacant congressional seat. While in all his public offices, as well as in private concerns, John T. Caine displayed marked ability, and performed the duties of his varied positions with efficiency and fidelity, it is as Utah's Delegate to the Congress during the stormiest period of Utah's past, that he will be best remembered and most fully appreciated. It was there that his more arduous work was done—the work which elevated him to the lofty place he occupied in the minds of his fellow citizens. It was there that he devoted all his energies, and brought into use all his powers for the protection of Utah and her people. It was there, also, that he acquired a national reputation as a determined and noble fighter for the right.

Caine was a native of the Isle of Man, where he was born January 8, 1829. His story is one of hard-earned success as he gradually rose step by step from the humblest walks of life to high and honorable

---

positions. Speaking of the days of his boyhood, Caine remarked:

I knew if ever I amounted to anything, it would be by my own exertion. I had no one to help me, and was practically alone in the world; I had confidence, however, that a straightforward, honorable course, backed by energy and perseverance, would succeed, and such a course I have endeavored to pursue.¹

At the age of six years he found himself virtually an orphan. He was an only child, the son of Thomas Caine and his wife Elinor Cubbon. His father—whose name gives to him the initial T.—immigrated to America; and his mother died, leaving him in the care of his grandfather, Hugh Cubbon, a small farmer and tailor. When about nine years old he was taken to Douglas, the principal town of the island, where he lived with his father's sister who sent him to school, thus giving him his first educational opportunity. When about eleven, he took up his residence with his mother's sister, Mrs. John Richardson, who lived at Ballamore, near Peel. She placed him in a position to continue his education, and otherwise treated him with great kindness. The Richardsons were wealthy, possessing valuable business and properties both in the Isle of Man and in Liverpool. At the latter place Mr. Richardson was the head of a large merchant tailoring establishment. With the idea of encouraging young John T. to take a place therein, his relatives urged him to obtain some knowledge of the tailor's trade. In courteous regard to their wishes, he made the attempt, becoming for a time an apprentice; but his heart was not in it, the occupation being distasteful to him. His desire was to be a printer. Neither of these trades, however, was he destined to follow.

It was at Peel that he first heard of Mormonism. This was in 1841.

John Taylor, the Apostle, was preaching in a schoolhouse when young Caine passed by. With a boy's curiosity, he stepped into the building, and there had his first view of a Mormon. Though favorably impressed with this religion, he did not at once accept it. It did, however, influence his determination, formed about this time, to leave the old country, where he saw little chance to succeed, and seek his fortune in America. A few pounds left him by his grandfather, added to means furnished by the Richardsons, enabled him to carve out his design.

He sailed from Liverpool March 17, 1846, accompanied by a cousin two years younger than himself. An uneventful voyage of six weeks brought him to New York early in the spring of 1846.

Caine had not been long in America before he was brought to a thoughtful and very thorough investigation of the Mormon church and movement. It was the stirring events of the great Mormon exodus from Nauvoo, Illinois that so strongly captured his attention to a sincere study. At this time, though young, he was investigating the complex subject of the religious sects of the day generally; and, being of an independent mind and marked individuality of character, he chose to identify himself with the Mormon people. He joined the church in the spring of 1847, just about the time when Brigham Young and the pioneers started from Council Bluffs, Iowa on their first journey to the Rocky Mountains.

The entire course of Caine's life was changed as a result of joining the Mormon church. This new life first led him to St. Louis in October of 1848.

It was during the period of his residence in St. Louis that Caine became acquainted with and married Margaret Nightingale, a distant kinswoman of the illustrious Florence Nightingale, the Crimean heroine.
In 1851 Caine became an American citizen. Determined to remove to Utah, the Caine family left St. Louis on the 8th of May, 1852. Their company, consisting of fifty wagons, arrived at Salt Lake City on the 20th of September of that same year.

Caine's first employment in Utah was at digging beets, carrots, and other vegetables on shares. He taught school at Big Cottonwood, ten miles south of Salt Lake City, during the winter of 1852-1853. It was during that same winter he first became connected with the old Deseret Dramatic Association. He appeared in several plays and soon captured the theatre-going public's admiration and esteem. He later became manager of the theater and remained in close connection with it for several years. After awhile he was employed in the Trustee-in-Trust's office, where commenced his association with President Brigham Young.

In April, 1854, came a call for a church mission to the Sandwich Islands. He was poorly prepared in a worldly way for such an undertaking, having a wife and two children dependent upon him, and no home in which to leave them. But he found a kind friend in Elder Joseph Cain, who opened the doors of his own home for the missionary's family and treated them with every consideration.

The climate of the islands did not agree with him, and this, with the fact that his presence was needed at home, induced President Brigham Young, to call him home earlier than had been originally designed. He was gone from home for two and a half years, during which time he served faithfully for his church.

Sailing from Honolulu August 1, 1856, he arrived on the 24th of that month at San Francisco, where he remained for a time, doing what service he could among the Saints in that vicinity. In October he
set out for his home in Utah. At San Bernardino he cast his first vote for a President of the United States--James Buchanan, the Democratic candidate, who was elected. He acquired his right to thus vote by living in California thirty days before the election, which was the law at that time.

Immediately upon his return to Utah from the Sandwich Islands his work in the Utah Legislature began. At this time he was elected to the office of assistant secretary of the Legislative Council for the session of 1856-7, and re-elected to the same position for the session of 1857-8. For the session of 1859-60, he was elected secretary of the Legislative Council, and re-elected to this same position for the session of 1860-61.1

His position as secretary of the council brought Caine into intimate relations with Governor Alfred Cumming, the first Gentile governor of the Territory of Utah appointed by the federal government, and other federal officials; and being a man of intelligence, he exercised considerable influence with the governor and his class.

In March, 1870, Caine went to the city of Washington to carry the protest of the people of Utah against the Cullom Bill, then pending in the United States Senate.2 This was his second visit east since coming to Utah, the first being a trip in the spring of 1866 when he crossed the plains by stage. The latter trip was made by rail, and he remained at the capital until July, 1870, assisting Delegate

---


2For the debates on and provisions of the Cullom Bill see Congressional Record, 47th Congress, 1st Session, 1152-63; 1195-1214; 1845-77.
William H. Hooper in his labors. Hooper frankly acknowledged the help, and from that time Caine's career in the United States Congress was forecast.¹

Caine was a member of the justly famous State Constitutional Convention of Utah, in 1872. That year the People's party of Utah showed a genuine disposition to unite with the foremost Gentiles to adjust the Utah difficulty by a joint and loyal action. As it was, that convention framed a state constitution which was the admiration of all members of Congress. It provided for minority representation and the secret ballot, and even constructed a door, leaving the question of polygamy for Congress to settle in the grant of the state charter. In the whole of the action of this convention, Caine was the central figure around whom evolved the entire proceedings.

In 1874, Caine was elected a member of the Council branch of the Utah Legislature. In February, 1876, he was elected recorder of Salt Lake City, an office which he filled for four successive terms. He served from 1876 to 1886 as a Regent of the University of Deseret and held various other responsible positions, figuring in most of the noteworthy public events of that period.

He was a member of the Constitutional Convention of 1882, and one of seven delegates who presented the constitution and its accompanying memorial to Congress. This self-made man was now at the threshold of his own congressional career, upon which he entered almost at the outset of that great tempestuous period known as, "The Crusades."

¹Tullidge, op. cit., II, 471.
incorporation of the Edmunds anti-polygamy bill.\(^1\)

**The Forty-eighth Congress, 1883-1884**

The election of 1882. The citizens of Utah were now presented with a rather complicated problem. Utah, it must be remembered, was at this time without a representative at Washington. Their first obstacle was in the shape of opposition from the leaders of the Liberal party of Utah, who were averse to the holding of an election for delegate to Congress. Having caused the seat of Utah's delegate to be declared vacant, the Liberals, regarding that achievement as a great victory, naturally desired to continue reaping its results. The Liberals, in a word, could not elect the delegate to Congress, and they were determined to prevent, if possible, his election by their opponents. Since the People's party of Utah was desirous of nominating a candidate for the unexpired term of Cannon, a committee was appointed to ask Governor Eli H. Murray to call a special election for the purpose. But the governor refused on the ground that there was no law authorizing him to call such an election and that the Edmunds bill had provided for a commission of five men, appointed by the President, to perform all duties connected with elections. The commissioners arrived in Utah August 18, 1882, and proceeded to arrange, much to the displeasure of the Liberal leaders, for the regular election to take place in early November, 1882.

Preparations were now made by the political parties in Utah for a brief but vigorous campaign. The managers of the People's party deemed it advisable to make more than an ordinary effort to awaken

---

1All the provisions of the Edmunds bill are given at length in the *Congressional Record*, 47th Congress, 1st Session, 1152-63, 1195-1217, 1845-77.

2Whitney, *op. cit.*, III 207.
the enthusiasm of their voters. The Liberals were no less active, and the campaign that followed marked a new era in local political warfare.

The Liberals were the first to place a candidate in the field. Their convention met at the Walker Opera House on Wednesday, October 11, 1882, and nominated Philip T. Van Zile, United States district attorney for Utah.¹ In accepting the proffered honor, Van Zile made a brief and temperate speech, in which he conceded the prospect of defeat at the polls, but declared that the spread of Liberal principles in the campaign would be equivalent to a victory. Van Zile ran on a platform declaring that there could be no fair and impartial government in Utah as long as the Mormon church was permitted to control the law-making power. Van Zile, in fact, sought to impress the audiences he addressed during the campaign with the idea that his election "meant statehood for Utah, while his defeat meant a legislative commission."²

The territorial convention of the People's party, to nominate a candidate to Congress from Utah, met on Saturday, October 9, 1882, at the City Hall.³ It was a spirited yet orderly and well conducted assembly, and when it got down to business dispatched it in earnest

---

¹Ibid., 238. Also see Salt Lake Tribune, daily, of October 13, 1882.

²An account of the Liberal party rally at Ogden, October 18, 1882, will be found in Deseret News, daily, of that date. Also of October 31, 1882, account of the meeting at Tooele. An elaborate history of this notable campaign with the platforms of both parties in full, and a number of the speeches of leading participants in it will be found in Tullidge's Quarterly Magazine, for January, 1883, 426-454.

³Deseret News, October 18, 1882. Also see Whitney, op. cit., 239.
and vigorous style. The first order of business was to adopt a platform that pointed with pride to the record of economy and honesty in the public administration of affairs by officers elected from the ranks of the People's party. It elaborated the fact that the taxes in Utah were lower than in any other territory. The platform repudiated the charges of lawlessness which had been made against the people of Utah, and denied that the church dominated the state or that the people were influenced to disloyalty or antagonism to the government. The concluding planks affirmed the preparedness of the territory for self-government, by admission into the Union as a sovereign state, and pledged the party to maintain and defend constitutional principles.¹

The People's party decided to not only choose a candidate to represent them in the Forty-eighth Congress, but to choose one to represent them in the remaining session of the Forty-seventh Congress. The choice of this candidate to be the standard bearer of the party was made after due consideration of the qualifications of the several nominees. The names of other gentlemen, such as Franklin S. Richards and William H. Hooper, had been freely mentioned and their talents and abilities widely discussed. After some debate, John T. Caine was fixed upon as the candidate who, under all the circumstances and demands of the times, would fill the requirements likely to be made in the Forty-eighth Congress.

On motion of C. W. Penrose, editor of the Deseret News, the convention proceeded to nominate a delegate for the unexpired term of the Forty-seventh Congress. The convention was quick to accept the

¹B. H. Roberts, Comprehensive History of the Church of Jesus Christ of Latter-day Saints, (Salt Lake City, Utah: Deseret News Press, 1930), VI, 55-56.
propriety of sending the same man to the remaining session of the Forty-seventh Congress as for the full term of the Forty-eighth, consequently, Caine was unanimously nominated.1

Caine, escorted to the Convention hall by a committee, responded in part, as follows:

I am informed ... that you have been pleased to select me as your nominee for Delegate to Congress. I thank you sincerely for this manifestation of your confidence. If you think it is for the best, if you, as the representatives of the people want me, I can only say that I have always held myself in readiness to obey any call of the party to which I owe allegiance; and, relying on your confidence and your support, I accept the nomination. I do not by any means consider the position an enviable one, for it involves much labor and many unsatisfactory outcomes; but since someone has to endure it, since someone must be abused, why not I be the target as well as anyone else? ... We have some rights which are guaranteed to us by the Constitution and laws of the country, and we propose to show such persons that we know how to defend these rights. We can no longer submit silently and endure as we have done, but we will fight it out this time, if it takes all summer, if it takes all winter, or if it takes all the time we live upon the earth!2

The central committees of both parties had agreed at this election on a thorough and most vigorous campaign throughout the territory. The standard bearer of each party was to take the platform with his ablest aids and "stump" the entire territory. Heretofore, the elections had been between the Mormons, as a church, and the anti-Mormons, as a body of crusaders in deadly conflict to overthrow the church. This time, at least in profession, they informally agreed to accept each other as purely political parties, contesting for the rule of the territory by the sovereign votes of American citizens. They did, however, fail to

1 For the complete proceedings of the People's Party Convention, see Deseret News, October 18, 1882.

2 Edward Wheelock Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Co., 1886), 848-49.
realize this agreement in full.

Van Zile and the Liberal party did everything in their power to bring about the defeat of Caine. The Salt Lake Tribune, an organ of the Liberal party, accused the whole People's party program of having been planned and decided upon by John Taylor, the president of the Mormon church. They demanded that Caine was merely a puppet in the hands of the church and explained him in this way:

Hooper should have been the nominee and while Caine is not particularly identified with any business interest, and neither has he been especially zealous as a churchman, though his is of a much more obedient disposition than Hooper; the question of who was the most likely to be easily handled for the purposes of the church crowd undoubtedly turned the scale in his favor ... .¹

Immediately upon the nomination of Caine, Van Zile sent to him the following challenge:

Salt Lake City, Utah, October 13, 1882.

Hon. John T. Caine:

Mr Dear Sir:----You have today received and accepted the nomination for Congress at the hands of the People's Party, and I understand your party is anxious to make a thorough canvass of the Territory. Believing that the principles and claims of the two parties can be better understood by the voters by listening to a joint discussion, I do most respectfully challenge you to discuss with me the political issues, at public meetings to be arranged for by the two central territorial committees throughout the Territory. The time to be divided between us at each joint discussion as follows:

The opening speaker to have forty-five minutes to open; the speaker to follow to have one hour to answer; the one who opens to have fifteen minutes to close the debate. As the time is very short before election day I am anxious for an early reply, and hope to hear from you by tomorrow (Saturday) evening.

Hoping you will accept this challenge, I am yours very respectfully,

Philip T. Van Zile,
Nominee of the Liberal Party of Utah.²

¹Salt Lake Tribune, October 14, 1882.
²Edward Wheelock Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Co., 1886), 850.
To which Caine responded:

Salt Lake City, Oct., 16th, 1882.

Hon. Philip T. Van Zile, Salt Lake City:

Dear Sir:---Referring to your favor of the 13th inst., which I did not receive until Saturday afternoon, I beg to say that I do not agree with you in believing that the principles and claims of the two parties can be better understood by the voters by listening to joint discussions, as I fail to see that my party has anything to gain by such discussions. Its members are fully confirmed in their principles and claims and care nothing for the views of the so-called Liberals; and I cannot ask my friends to attend meetings under the pretense of listening to a discussion of political issues, when, judging from the past, so far as the Liberals are concerned, it would be nothing but an attack upon their religious principles.

I propose to conduct my campaign in the interest of my friends, the party who nominated me, and not in the interests of my opponents; and I do not propose to furnish the latter with audiences which they could not otherwise obtain, nor in any other manner give them either aid or comfort.

I therefore most respectfully decline your challenge, and remain,

Very truly yours,
John T. Caine.

Caine's decision to reject the proposed challenge to meet the Judge in a debate was hailed by the Deseret News who insisted that the Liberals could not "gather a corporal's guard to listen to their abuse" in most parts of the Territory without the influence of the People's candidate.

The next movement was made by the central committees of both parties for ratification meetings to be held at the major cities of the territory. Ogden, where the parties were nearly equal in strength, was the battlefield of the campaign. There the grand ratification began,

---Idem.

and there the action, so far as the leaders were concerned, may be said to have ended in a splendid demonstration on both sides. This occurred on the night of November 6, 1882, previous to the casting of the votes of the citizens the next day.

The Liberal party carried on an able and most enthusiastic campaign. The majority of those of that party who took part in the campaign were experienced political leaders and able orators. Though, of course, they could neither carry the territory on the Liberal side, nor hope to do so, they fought through the campaign with as much courage and genuine party zeal as if victory were certain.

The two central figures, Caine and Van Zile, tirelessly worked for the votes of the citizens. Caine insistently demanded that there were men in the Liberal party whom he knew personally to be respectable citizens, but there were others among them who were political adventurers and had not the interests of the community at heart; they were in Utah and in politics to make money only. He further insisted that there were some of them who were tricksters, who would deprive the people of the men of their choice for even the smallest local offices. Finally, he exhorted the young men of the communities to examine both platforms, study them, and act according to their honest convictions.

On the other hand, Van Zile advised the populace to elect him to represent their interests in Congress and the result would be a state government for Utah during the Forty-eighth Congress, allowing Utah to become one of the most united and prosperous states in the Union, free of church domination.

This bitter battle was climaxed the night of November 6, 1882, on the eve of the election. Of this great demonstration Tullidge has
The grandest demonstration ... occurred at Ogden, November 8th, [sig] on the eve of the election. The leaders of the People's party bore the standard of victory, for the battle was substantially fought and the splendid [sig] issue of their tomorrow was certain. Not alone did the People's party make triumphal march with blazing torches and stirring music, but the Liberal party did the same, though its procession, of course, was not so imposing, nevertheless worthy to be styled a grand party rally and parade. It was indeed as the meeting of armies, and though victory perched on the standards of the People's party, yet the Liberals stimulated their enthusiasm with courageous hopes and ringing prophecies of certain victories in the near future.¹

On Tuesday, November 7, 1882, the election was conducted, closing the campaign which formed a political epoch in the history of Utah. With eighty-four per cent of the total number of citizens registered to vote casting their ballots, Caine received 23,039, as against 4,884 cast for Van Zile.² This great majority was a moral victory for Caine as well as a measurement indicating the great support of the people he could carry with him to the capital city.

After the election followed the futile attempt of Van Zile and some of his supporters to prevent Caine from receiving a certificate of election and taking his seat in Congress. They proposed accomplishing this by protesting that Caine was ineligible for the office of delegate, he being, within the meaning and fair construction of the Edmunds law, a polygamist; not because he had more than one wife, which he had not, but because he was a member of the Mormon church, and therefore

¹Edward Wheelock Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Co., 1886), 851.

²Ibid., 854. Also see Roberts, op. cit., 5; Whitney, op. cit., 245; for complete returns for the election, see Deseret News, November 29, 1882.
presumably a believer of polygamy.\textsuperscript{1} It resulted in another defeat for the Liberal candidate. The elections committee promptly issued a certificate of election to Caine declaring him the newly elected delegate to Congress from the Territory of Utah.\textsuperscript{2}

Shortly before the opening of Congress in December, 1882, Delegate Caine set out for Washington. Upon his arrival to the capital, the Utah delegate proceeded to secure his admission to the remaining session of the Forty-seventh Congress, and take the necessary steps leading to him taking his seat in the Forty-eighth Congress, to convene on March 4, 1883. There was no doubt of his success in the latter case, as he carried the certificate of his election furnished by the Utah commission; but there was a question whether or not he would be admitted into the Congress then about to convene. His only credentials in this case were certificates issued by some of the judges of election, to the effect that on the 7th of November, 1882, certain votes had been cast for him as delegate to the Forty-seventh Congress. These certificates he submitted to the House of Representatives. The House Committee on Elections took the matter into consideration and rendered a favorable report, which the House adopted, and Caine was dully admitted to his seat on January 17, 1883.\textsuperscript{3}

The ground taken in his favor was, that while there was no law authorizing the special election, there was a national statute which

\begin{itemize}
\item \textsuperscript{1}For a complete list of the charges and protests presented by Van Zile against Caine, see Edward Wheelock Tullidge, History of Salt Lake City, (Salt Lake City, Utah: Star Printing Co., 1886), 852-53.
\item \textsuperscript{2}Whitney, \textit{op. cit.}, 245.
\item \textsuperscript{3}Congressional Record, 47th Congress, 2nd Session, 1298.
\end{itemize}
entitled each territory to a delegate in Congress. Since that body
had failed to legislate to meet the present emergency, and the governor
of Utah had refused to call an election in the case, and the citizens
of the territory had availed themselves of the only way left in which
to express their will in the premises, they were entitled to the
admission of their delegate.¹

**An effort for statehood, 1883.** It was decided by the Territorial
Legislature of 1882 to make another effort to obtain statehood for
Utah. Accordingly, a constitutional convention met, framed and
unanimously adopted a constitution, and submitted it to a vote of the
people. The constitution was adopted by a large majority.² On June
6, 1882, the convention drew up a memorial to Congress and elected a
committee to present the constitution to that body. This committee,
however, led by Delegate Caine, was unable to present this matter of
Utah's statehood until February 23, 1883. The memorial was referred
to the Committee on Territories and ordered printed in the record; but
beyond this no favorable action was forthcoming.³

Delegate Caine's initial act in the Forty-eighth Congress was to
reintroduce in the House, on December 11, 1883, a bill for the
admission of Utah as a state, somewhat in pursuance of the action of
the convention of 1882; but this measure, as the one previous, received
no consideration beyond reference to the Committee on Territories.

¹For the entire report of the committee concerning the seating of
Caine see U.S. Congress, House of Representatives, *House Reports*,
47th Congress, 2nd Session, No. 1865, serial 2159.

²The final vote was 27,814 votes for and only 498 against adoption.

³Congressional Record, 47th Congress, 2nd Session, 3149.
The Edmunds bill, 1883. When Delegate Caine was granted his seat in the House of Representatives on January 17, 1883, Senator Edmunds had already, on December 12, 1882, introduced a harsh addition to the Edmunds law of 1882.¹ This new measure was the original of what five years later became the Edmunds-Tucker Act. The bill was referred to the Senate Committee on Judiciary, of which Edmunds was the chairman, and was reported back on January 10, 1883, to the Senate favorably with a recommendation for its passage.²

The bill provided for the following significant provisions:

1. In any proceeding or examination before a grand jury, a judge, or a United States commissioner, 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 and may be compelled to testify in such proceeding, examination, or prosecution, without the consent of the husband or wife, as the case may be.

7. 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 governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration of voting of females is hereby annulled.³

The debate on the bill in the Senate Committee of the Whole on February 21, 1883, found Senator Edmunds leading the battle. The


²Ibid., 1089.

³Ibid., 3056-3057.
discussion pertained almost completely to the section repealing woman suffrage. The bill's supporters argued that the ballot should be taken from the women of Utah because they were coerced by the Mormon priesthood into voting for the very institutions which were oppressing them. The bill was brought and a vote was taken. However, it was discovered that there was not a quorum present; so, the Senate adjourned with nothing more being heard of that particular bill.

Delegate Caine was extremely relieved at the failure of this bill to become law and expressed his relief in the following way:

Myself and my brethren who were with me offered up fervent prayers that the bill might fail, and when I returned home I learned that we were not the only ones who were offering prayers to God upon this subject at that critical hour, for President Taylor and some of the Apostles had besought the power of God in behalf of His people. Here is a great lesson for the Saints. Our enemies have not been successful in their vile schemes for our overthrow, but God has shown forth His power and wisdom in our behalf. It is my belief that the Latter-day Saints are more united today in their political affairs than they were before the passage of the Edmunds Law. Heretofore, we have been negligent and careless concerning our rights and liberties, but when our young people have seen their parents disfranchised they have been aroused to the attempt to make good the votes thus lost. The Latter-day Saints should teach and instruct their children in relation to the principles of freedom established at the cost of the lives and blood of the fathers of our country, that a nation may be reared in these mountains who (which) will know the value of liberty and ever maintain it.

Cullom and Cassidy bills, 1883-84. During the month of December, 1883, the Cullom and Cassidy bills, to abolish the territorial government and rule Utah by a legislative commission, were introduced into Congress. Governor Murray had recommended this action in a

---

1 Ibid., 3187.
2 Idem.
3 "Journal History," entry for November 11, 1883.
special report on Utah affairs sent to the Secretary of the Interior a few months before; which report had been transmitted to Congress.

Caine expressed his opinion of the two bills with the following words:

The Legislative Commission scheme proposed to make the Territory of Utah a province, and provides for the establishment of a form of government not essentially different from the pro-consular rule which Imperial Rome inflicted upon the people who were so unfortunate as to become subject to her galling yoke ... . There are such strong and high constitutional and legal objections to this class of legislation that to my mind its bare suggestion is fraught with danger. From the establishment of our government there have been certain inherent powers in the people never ceded to the nation, which have been exercised locally. Of these reserved rights, the right of local self-government, the local law making power, has ever been and is today a most pre-eminent one and to the extent of these inherent privileges, the citizens of a Territory do not essentially differ from those of a state.¹

Caine recalled that on September 9, 1850, Congress passed the Organic Act of the Territory of Utah. By the tenor of that act Congress recognized the inherent power of the people to become their own legislators and in time to achieve the sovereignty of statehood.

Caine further maintained that the proposed legislative commission scheme would abrogate the Organic Act by conceding control over the affairs in Utah to a governor and a board of commissioners appointed by the President of the United States. He foresaw that the legislative acts of this commission would become the laws of the territory; that the whole people of Utah would be disfranchised; and that their property and liberty would be at the mercy of the federal officials.

The Utah delegate concluded by arguing against the constitutionality of these two proposed measures and that it was an extraordinary thing

to even propose the total disfranchisement of a whole people. He expressed his surprise over the fact that any man claiming to be an American citizen or democratic in spirit could advocate such a proposition. He added that the whole measure was foreign to American institutions and entirely at variance with Anglo-Saxon principles of government. He admitted that Congress had the undoubted right to provide a form of government for the people of a territory. But he was quick to add that in so doing it must not violate a fundamental principle of English and American free government. Caine firmly felt that Congress should stop to consider the question of the constitutionality of these two bills. He encouraged Congress to consider the question of which was the greater crime, the practice of plural marriage by a few thousand persons, or the enslavement of an entire territory wherein about ninety per cent of the inhabitants were not even charged with offenses against the law. Fortunately, opposition within Congress was too great for these bills to become law.¹

The Edmunds-Hoar bill, 1884. Meanwhile the Edmunds bill of 1883 was revised by Senator Edmunds with notable additions. The new bill was reported from the Committee on Judiciary of the Senate on January 28, 1884.² Edmunds was then acting President of the Senate, and Senator George F. Hoar (R-Mass.) had replaced him as chairman of the committee named. Besides its original provisions, the bill included new aspects which were as follows:

¹"Journal History," entry for November 4, 1884. Also, see U.S. Congress, House of Representatives, House Reports. Report No. 1351, serial 2257. 48th Congress, 1st Session, 1883-84. The majority and minority reports of the Committee on Territories are given in full within this document.

²Congressional Record, 48th Congress, 1st Session, 709.
5. In polygamy trials the judge may issue a writ authorizing the marshal to search for records or other evidence of plural marriage if he has reason to suspect the existence of such evidence. No particular place or object need be specified in the warrant ... .

8. The practice of numbering and identifying ballots in Utah is made illegal ... .

11. Illegitimate children shall not have the right to inherit or share in the father's estate ... .

12.-16. The charters of the Church of Jesus Christ of Latter-day Saints and the Perpetual Emigrating Fund Company are revoked, and the attorney-general is instructed to institute proceedings to dissolve the corporations and escheat to the United States all property held by those corporations in excess of the amount provided by the Morrill Act of 1862 (fifty thousand dollars) ... .

18. The Utah Commission is continued in office until Congress shall approve the acts of the territorial legislature called for by the Edmunds Law ... .

19.-20. Adultery and fornication are declared to be misdemeanors, punishable by fine and/or imprisonment ... .

21.-23. The territorial supreme court may appoint commissioners, to exercise the powers of justices of the peace; United States marshals shall have all the powers of sheriffs in the territory; the superintendent of schools shall be appointed by the supreme court rather than the legislature ... .

Prior to the time when the bill came up for consideration in the Senate, Delegate Caine had made contact with senators on both sides of the chamber in an effort to bring them to an understanding of the disagreeable features of the bill. The delegate knew that if he was to have any influence on the outcome of this bill, it would have to be before it was brought up for full discussion before the Senate. Senator George C. Vest (D-Mo.) had promised Caine he would support the people of Utah when the measure came up for debate. Vest, true to

1Ibid., 4564-4565.

2Letter from John T. Caine to George C. Lambert, June 20, 1884. (MS in the Church Historian's Office, Salt Lake City, Utah).
his promise, made a stirring speech on the Senate floor against the
measure saying in part,

This is not a question affecting Utah alone. I know how
useless it is to talk to Senators who have made up their
minds to vote for this bill, no matter what provision it
contains, and I know how useless it is to appeal to any
Senator who has determined to follow the report of the
committee, whether it is right or wrong, without
examination. I say this is a blow at the personal
liberty of every citizen of the United States. It is an
invention that will return to plague us. I do not care
what these people do; I do not care how abominable their
religious faith with which I have no sympathy; I do not
care how atrocious their tenets. They are citizens of
the United States, and are entitled to the protection of
the Constitution. If you can do this thing in Utah you
can do it in Missouri, and it is simply a question of
time before it will be done at the behests of any party
that is strong enough to call for the exercise of such a
power ... . Mr. President, I have nothing to say as to
my personal feelings ... . I do not propose to break my
oath to support the Constitution ... .

This measure, the Edmunds-Hoar bill, was presented to the Senate
with the Republicans refusing to discuss the constitutionality of it.2

The bill passed the Senate on June 18, 1884, with a final vote
for passage of 34 to 15 with 28 abstentions and was referred to the
House for consideration.3 There, due to an early adjournment, the
bill did not receive any consideration.

The Forty-ninth Congress, 1885-86

Election of 1884. Thus ended the Forty-eighth Congress, bringing
to a close the first term in the House for Caine. It had been a stormy

---

1"Journal History," entry for June 28, 1884. Also, see The Utah
Journal, June 28, 1884.

2Congressional Record, 48th Congress, 1st Session, 4431, 4503-04,
4513-15, 4553-55, 5182-91, 5234-50, 5281-98 for debates upon the
measure.

3Ibid., 5298.
initiation into the national body for the Utah delegate. The year 1884 marked the time that the citizens of Utah were to go to the polls once again and decide who would represent them in Washington during the Forty-ninth Congress. In 1884, Utah for the first time took an active part and manifested a genuine interest in a presidential election. This year brought with it the fair prospect of the return of the old Democratic party to power. Consequently, the Gentile element of Utah chose to identify themselves with the Democratic party and thus became known in Utah as the Gentile Democrats; the Mormons continued to be called the People's party. The year of 1884, like several previous election years, continued to be a battle between the Mormon church and the Gentile population for the elected offices of the territory.

The People's party convention met on October 8, 1884, at the City Hall in Salt Lake City. On motion of R. S. Campbell, the platform of the People's party as adopted by the previous territorial convention was adopted for the up-coming election. Call was then made for the nomination of delegate to Congress. On motion of Joseph A. Jennings, seconded in a brief and eloquent address by Franklin S. Richards, John T. Caine was declared by unanimous acclamation to be the nominee for the Forty-ninth Congress.¹ That the Mormon element of Utah was pleased and satisfied with the work that had been done by Caine in the previous session of Congress, is evidenced in an article that appeared in the Deseret News announcing his nomination.

The nomination of Hon. John T. Caine by the People's Party Convention will receive the hearty, unreserved endorsement of the entire party. He is essentially the people's choice for Delegate to Congress from Utah.

¹Deseret News, October 15, 1884.
Convention and the people is because of the confidence they have in his integrity and ability to work for and maintain the interests of his constituents in the National Legislature. He has already proved his capacity in this direction in two Congresses, and with the experience he has obtained, combined with his natural aptitude for the performance of the important public duties involved in the responsible position for which he is chosen, he is more able to serve the people now than ever. The office is by no means a sinecure and, on account of the peculiar difficulties to be surmounted, requires not only tact and intelligence, but eternal vigilance, all of which the candidate will continue to exhibit.1

The Gentile Democrats (Liberals) nominated Ransford Smith, who was "a gentleman of wide experience, of commanding talents, of undoubted courage and never-relaxing energy; by education he is abundantly prepared ...."2 The Gentiles adopted the same platform that guided them through the election of 1882, based upon the theme of too much admixture of church and state under the leadership of the People's party. Again, as in 1882, they insisted that Caine was a mere instrument of the church and explained him as a man who "does what he is told to, and kisses humbly the hands that smite him. There is nothing like being born with a submissive and forgiving disposition."3

The campaign of 1884, in its local importance and interest, bore no equal comparison to that which occurred in 1882. The two Salt Lake newspapers became quite concerned over the lack of interest shown by the Utah citizens in their local election. Articles of the press were more of reminders to the people that there was an up-coming election and that it was their sacred obligation to exercise their franchise, rather than tirades against the opposition party and candidate, as in

1Idem.
2Salt Lake Tribune, October 9, 1884.
3Idem.
1882. The People's party, especially, was deeply concerned over the matter. They felt it was of upmost importance that the people of Utah should have a proper representative in Congress. There was never any doubt as to the outcome of the election, but the party leaders emphasized the propriety of sending their candidate to the capital city with a large and outstanding majority.

November 4, 1884, witnessed the recurrence of the regular election. The People's party was again victorious, returning Caine to Congress by a 19,905 vote majority; Caine received 22,120 votes while Smith garnered 2,215. Neither party polled as large a vote as at the election of two years before.

Declaration of the grievances and protests of the Mormon people, 1885. Prior to the opening of the Forty-ninth Congress, Delegate Caine surveyed the Utah question in Congress and began to anticipate some of the probable future actions. The rash of anti-Mormon legislation of the previous Congress convinced the delegate that an effort should be made to present Congress with the true facts concerning Utah. He felt that this feeling of hostility was entirely due to the fact that the congressmen were unaware of the social revolution that had taken place in Utah at the hands of the Mormon founders. In speaking of the territorial situation he said:

A social revolution cannot be consummated and all trace of it obliterated in one year or two years. I consider that before piling up cumulative statutes against a long suffering people Congress should learn by direct investigation whether the allegations made against us do not largely arise from

---

1For the complete returns of the election, see Deseret News, November 19, 1884.
unscrupulous and selfish enmity than from any actual evil which we commit.¹

The citizens of Utah, who were aware of the necessity for an understanding by the federal officials of the local situation, assembled and formulated a "Declaration of Grievances and Protest," which was delivered personally by a committee of three, chairmained by Delegate Caine.² They met with President Cleveland on May 13, 1885. Caine stated the object of the visit and presented the document that he and his associates had been commissioned to deliver. In response to the Declaration the President said that as far as the Edmunds law was concerned he had nothing to do with it except to see that it was enforced. He assured them that the people of Utah would receive fair consideration and that he would endeavor to appoint men who would see that the law was impartially administered.

Edmunds-Tucker Law, 1885-1887. The Forty-ninth Congress witnessed a resumption of the struggle and recorded the enactment of the Edmunds-Tucker Law. This law took its name from Senator George F. Edmunds (R-Vt.) and Representative John Randolph Tucker (D-Va.). On December 8, 1885, Senator Edmunds reintroduced his former bill in the Senate.³ He reported it from the Judiciary Committee on December 21, 1885, and gave notice that he would call it up immediately after the holidays. Though fated to undergo many more changes, this bill was


²For the complete list of grievances and protests formulated, see "Declaration of Grievances and Protests." (MS found at the Church Historian's Office, Salt Lake City, Utah. Also, see Whitney, op. cit., III, 384.

³Congressional Record, 49th Congress, 1st Session, 122.
not to experience another defeat.

True to his promise, Senator Edmunds, on January 5, 1886, called up the measure and it was considered by the Senate in the Committee of the Whole.\(^1\) After three days of extensive debate on the Senate floor, the bill was voted upon and passed by a vote of 38 to 7 with 31 abstentions.\(^2\) The bill then went to the House, where on the 12th of January, it was referred to the Committee on Judiciary, of which J. Randolph Tucker was the chairman.\(^3\)

The next act in the drama took place in the room of the Committee on Judiciary, where the new Edmunds bill was thoroughly discussed at a series of meetings, the first of which was held on the 15th of April, 1886, and the last on the 5th of May. Delegate Caine, and others spoke against the bill and Robert N. Baskin, Gentile resident of Utah, in favor of it. Baskin stated that it was his belief that half the male population of Utah was living in polygamy. He furthermore expressed his desire that the Mormons be disfranchised until they had surrendered in good faith to the laws.

Caine refuted the charges made by Baskin. He denied that the Mormon church wielded civil authority, and affirmed that church and state were separate in Utah, though certain men might be prominent and influential in both. He denied that the Mormons "blood atoned" their enemies, an often made allegation against the Mormons, and in evidence of the statement, pointed to the fact that Baskin was still alive and an old resident of Utah.

\(^1\)Ibid., 345, 405-408, 457-62, 503, 520, 549-65 for the debates.
\(^2\)Ibid., 565.
\(^3\)Ibid., 611.
The bill was reported back to the House on the 10th of June, 1886. However, due to other pressing legislation and recesses, it was not called up for discussion until January 12, 1887. During this lapse of time, Delegate Caine engaged himself tirelessly in an effort to visit with and explain to many of the Representatives of the House the true conditions prevailing in Utah, attempting to get promises that would prove favorable to his Utah constituency. It was evident, however, from the outset of the House discussion, that the bill was certain to be passed. Upon its passage in the House, Delegate Caine delivered a vigorous and logical speech against it, and his argument was widely published and much complimented. But no amount of eloquence or argument could stay the passage of the bill.

Caine stood before the House of Representatives and said:

This bill strikes at the property of the Mormon Church and proposes a test oath to professors of the Mormon faith. It is true that our religious establishment is only fifty-six years old, but in that short period our people have been driven from three States by mob-violence, our property destroyed, our prophet and leaders murdered in cold blood, and forty-one years ago we had, in the dead of winter, to leave our home on the east bank of the Mississippi River, which we had won by honest toil, and make an unparalleled pilgrimage of more than 1,500 miles, across trackless plains and unknown mountains, to find beyond the pale of civilization a new abiding place. We found a desert land not then the domain of the United States.

The first act of the pioneer band, nearly all of whom came of good New England, Pennsylvania, and New York stock, was to hoist the Stars and Stripes and take possession in the name of the United States, a Government which we then believed and still believe to be of divine origin. This country was at war with Mexico. The Mormons, driven from their homes on the banks of the Mississippi, and living in tents and rude huts, scattered in camps along the way from the Mississippi to the Missouri, had been especially appealed to by the President to furnish a battalion of five

---

1U. S. Congress, House of Representatives, House Reports. No. 2735, serial 2443. 49th Congress, 1st Session, 1885-86. This is the majority and minority report of the Committee on Judiciary.
hundred men to make a forced march across the continent and help seize and hold California. The appeal was responded to, although it required every fifth man to abandon his family at the outset of an enforced journey, long, arduous, and perilous, but whither no one then knew, save that their tabernacle was to be set up somewhere beyond the Rocky Mountains.\(^1\)

Caine compared the persecutions of the Mormons with those of the French Huguenots, the English Puritans, and the Catholic Irishmen. In an effort to illustrate the unfair persecutions suffered by the Mormons, he briefly outlined the history of the church from its conception to the arrival of the Mormon pioneers in the Salt Lake Valley in 1847. The delegate emphasized that the Mormon people were developing their desert region simply because they felt it was their duty as citizens of this great land of America. He stated that the people of Utah believed and taught that the government of the United States was founded by men who were inspired of God. He mentioned that the achievements of the Mormons speak for themselves; that they found a desert region in the interior of the continent, which the few white men who had theretofore penetrated pronounced an unreclamable waste and made it "blossom as a rose;" built cities and towns, railroads and telegraph lines; and dotted the land they won from sterility everywhere with school houses and places of worship.

One of the many slanders so industriously spread concerning the Mormon people of Utah was the statement that the great mass of them were densely ignorant. Caine pointed out that the people of Utah were proud to boast that but few of the oldest states in the Union could

---

\(^1\)John T. Caine, Speech in the House of Representatives, Reprint, (January 12, 1887). His entire speech can also be found in the *Congressional Record*, 49th Congress, 2nd Session, 585-591.
show a smaller percentage of illiteracy than the Mormon population of Utah. Of all the states and territories in the Union there were but thirteen showing a lower percentage of total population who could not read, Connecticut having the same as Utah, 3.37 per cent.

He further pointed out that if the bill became a law it would place the Mormon people at the mercy of men whose object was first to plunder them of all their earthly possessions and drive them from their homes. To illustrate this point he related the following example:

One man's polygamy was suppressed very successfully a few days since. An apostate Mormon, acting as deputy marshal, shot a Mormon for whom he had a warrant on a charge of unlawful cohabitation. The man was on horseback. He was unarmed. The marshal called on him to halt, and almost at the same instant fired. The burden of the testimony shows the man did not try to escape, though there was absolutely no justification for the shooting even had he endeavored to do so. In an hour the Mormon was dead. The murderer, while being taken to Beaver, where the district court was in session, was met by twelve or thirteen members of the grand jury, which he had selected on an open venire. This cavalcade carried refreshments, and the return trip was after the style of the triumphal march of a homeward-journeying hero. This same grand jury investigated the murder and found an indictment charging the deputy marshal with manslaughter. He was prosecuted by the assistant United States attorney for Utah, who, during the trial, declared in open court that unlawful cohabitation was a felony, when the United States statute explicitly makes it a misdemeanor. The same prosecutor told the jurors that the assassin should be acquitted, and they obediently returned a verdict of not guilty.1

In conclusion, he pleaded:

Gentlemen, you who have freed from bondage the Negro slave, you who love liberty and cherish the institutions of our country, who would bequeath them fair and unsullied to your children, let me plead with you, not to consign my people to such inhuman slavery.2


2Congressional Record, 49th Congress, 2nd Session, 591. For excerpts of his speech, see Appendix F, 302.
He begged the people of Congress not to pass the Edmunds-Tucker bill, but, as has been earlier stated, no amount of eloquence or argument could stop the passage of it. The measure became a law without the signature of President Grover Cleveland on March 3, 1887.¹

In summary, this newly enacted law constituted polygamy as a continuous offense under the title of unlawful cohabitation. It created a federal returning board to take charge of the re-registration and all the election machinery of the territory and abolished woman suffrage. It abolished the Emigration Fund Company; and also dissolved the church as a corporation. It escheated in large part the church property and established an odious test oath for voters. Finally, the Nauvoo Legion was abolished.²

Moved by the forces of the anti-Mormon crusade, Congress, in 1887, passed its last act of anti-Mormon legislation—the Edmunds-Tucker Act. From the time of the passage of the Edmunds law in 1882, antagonists had been busy agitating the country for the passage of more stringent legislation. But, even the 1887 act fell short of satisfying them. It became apparent in the years following 1887 that the anti-Mormon crusaders in Congress and in the Utah Territory had as their primary goal the crushing of the political

¹Ibid., 2667. This bill was received by President Cleveland, but was not returned by him to the house of Congress in which it originated (the Senate) within the time prescribed by the Constitution of the United States. It became a law, therefore, without his signature, and went into effect March 3, 1887.

²For the complete text of the Edmunds-Tucker Law, refer to Statutes at Large, XXIV, 635, 41; Whitney, op. cit., III, 565-73. For excerpts of the law, see Appendix E, 298.
power of the Mormons and not the destruction of polygamy. President Cleveland was opposed to the measure, believing, with many eminent jurists, that it was violative of the Constitution. He knew, however, that the country demanded some such legislation, and feared that if he vetoed this bill, a worse one would follow. He informed Delegate Caine that he was to explain to his constituency that the law would not be harshly administered and would be executed impartially, and in the spirit of justice and humanity.

Though Delegate Caine had been unsuccessful in staging a battle to obstruct the passage of the infamous Edmunds-Tucker bill, he had managed to retain his respected integrity among his congressional colleagues and constituents in Utah. Throughout the entire fight he had kept himself aloof from anything scandalous and had used diplomatic tact in all his transactions. A Chicago newspaper printed a typical description of the Utah delegate during the stormy Forty-ninth Congress:

Delegate Caine of Utah, is one of the striking figures of the present Congress. Every visitor who enters the galleries wants to know who the Mormon congressman is, and not a few of them are surprised, when he is pointed out, to see that he looks very much like the other congressmen sitting about him. John T. Caine is a slender, clean-cut fellow of about forty-five. He is straight and well made, has an open face, cold blue eyes, and a pair of brown side whiskers which might be those of a Wall Street broker. He is a pleasant man to talk to, and is not averse to speaking upon all subjects connected with Mormonism. He lives in Washington within a stone's throw of the Interior Department and his wife, who is a relative of the noted Florence Nightingale, is with him.


The Fiftieth Congress, 1887-88

Election of 1886. The People's party was quick to show their appreciation to, and place their trust and confidence in Caine by once again unanimously nominating him as their candidate for delegate for the Fiftieth Congress. Caine was nominated at the territorial convention of October 2, 1886.¹

The opposition party, made up of the Utah Gentiles, were slow and even hesitant in placing a candidate in the running. Finally the Democratic Central Committee stepped in and nominated William M. Ferry to run against "Bogus Caine."²

The election of 1886 captured even less interest from the Utah citizens than did that of 1884. The people's party continued to proudly boast of the pure character of their candidate and to extol his abilities and efficiency. On the other hand, the Gentiles re-emphasized the desirous advantage of breaking the Mormon domination of political power in Utah by electing their candidate. It was, however, a losing battle for the Gentiles, because the Mormons continued to hold the balance of power by a large and commanding majority.

The election was conducted on November 9, 1886. It marked another victory for the People's party, but by a smaller majority than at the election of 1884. Caine's total of the votes was 19,605, a decline of 1,515 over the results of 1884 while Ferry's total was 2,810, an increase of 595.

¹"Journal History," October 2, 1886.

²This is the name used by the Salt Lake Tribune in referring to Caine, indicating that he was still a puppet of the church.

³Complete returns are found in the Deseret News, November 12, 1886.
Caine and the statehood movement of 1887. The Utah question assumed a new phase in 1887 when the people of Utah Territory attempted for the fifth time since 1849 to secure statehood. A Constitutional Convention met on June 30, 1887, at the City Hall in Salt Lake City, and remained in session over a week. In the first order of business Caine was selected chairman of the convention. The constitution that was adopted has special significance for two reasons. First, one section clearly stipulated that there should be no union of church and state, nor should any church dominate the state. Second, another section provided for severe penalties for the practice of bigamy and polygamy. Delegate Caine was the chief advocate of these two sections. Although the constitution was not adopted by the citizens of Utah, the effort was recognized by several eastern newspapers as a noble effort on the part of Caine and other Saints.

In December, 1887, a delegation led by Caine, left Salt Lake City for Washington to present a memorial for statehood to Congress. On December 19, 1887, after the memorial had been presented to the Senate, the issue came up for discussion. Senator Wilkinson Call (D-Fla.) presented a resolution that the memorial be printed in the Congressional Record.

2Ibid., 3, 11.
3Standard, (Syracuse, New York), July 8, 1887; The Ledger, (Philadelphia, Pennsylvania), July 9, 1887, (both are newspapers clippings that are on file at the Utah State Historical Society).
4Congressional Record, 50th Congress, 1st Session, 423.
Record. Some of the senators objected, inferring that the memorial
might contain disrespectful remarks. In reporting this incident to
President Wilford Woodruff, Caine said "The anti-Mormon Representatives
were all up in arms as though the printing of the memorial was going
to endanger the whole country." 2

A bill for the admission of Utah was introduced in the House by
Delegate Caine on January 10, 1888; it was read and referred to the
Committee on Territories. 3 At the same time, Senator M. C. Butler
(D-S.C.), prodded by Caine, introduced a duplicate bill in the
Senate. 4

During the last of January, 1888, Caine received word that
William M. Springer (D-Ill.), chairman of the House Committee on
Territories, was considering referring the Utah bill to a sub-committee.
Caine contacted Springer and informed him that if this was his intention,
he wished to suggest some members for the sub-committee. Springer
promised Caine he would do nothing about this matter until he had first
consulted with him.

Meanwhile, in the Senate sub-committee, to which the Utah bill
had been referred, it was agreed that it would be expedient to stop
any further action on the Utah question until someone representing
Utah could be heard by the committee in refutation of the anti-Mormon
charges that were being offered. Thus, a communication was forwarded

1 Ibid., 89.
2 Letter from John T. Caine to Wilford Woodruff, George Q. Cannon,
and Joseph F. Smith, December 31, 1887, Letterbook I, 36.
3 Congressional Record, 50th Congress, 1st Session, 362.
4 Ibid., 2136.
to Caine inquiring if any of the Utah men in Washington desired to appear before the committee in behalf of the admission of Utah. Though the committee hearing was scheduled to take place within a few days, Caine was able to prevail upon them to postpone it until the following month so he could have sufficient time for preparation.

Unwilling to act without the clear permission of the church, Caine immediately contacted the Mormon leaders because he realized that whoever appeared before the committee would be closely questioned as to the intentions of the Mormon people to abandon polygamy. After carefully explaining the situation to the leaders, Caine said, "We want to know from you how far we would be justified in going in that direction."

It was finally decided that Franklin S. Richards would represent Utah in the Senate committee. Delegate Caine kept the church presidency fully informed by letter. Also arguing in behalf of the Utah cause was Judge Jeremiah M. Wilson, a paid legal adviser for the Utah delegate. While the hearing was in process, a sensation was created in the Senate when a huge petition against Utah's admission, which was signed by 102,762 persons representing thirty-three states and territories, was introduced. The petition had been circulated by the Presbyterians through the Women's Home Mission Society.

The Utah memorial was reported back to the Senate on the 26th of March with a resolution that Utah ought not be admitted as a state until her people abandoned polygamy completely and until it was evident

1Letter from John T. Caine to Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, February 8, 1888, Letterbook I, 168.

2Congressional Record, 50th Congress, 2nd Session, 450, 513, 688, 724, 1324.
that the civil affairs of the territory were no longer in the hands of the church leaders. This killed the issue in the Senate.

In the House, however, the Utah bill was still under strong consideration. During the first session of the Fiftieth Congress, Caine spent considerable time talking with the Democratic members of the House. His plan was to get Utah admitted by a back door method. He proposed the admission of all the territories in one omnibus bill. In this way he hoped to destroy the Utah question as a separate topic of discussion. There was a Democratic caucus meeting held wherein it was decided to propose an enabling act for Dakota, New Mexico, Montana, and Washington, but Caine was informed that they would be unable to add Utah to this bill. Disappointed in the failure of the caucus to add Utah to the omnibus bill, Caine wrote,

The general feeling in the caucus towards Utah was that of kindness. There was hardly a harsh word said concerning the Territory or the Mormon people. It was very evident from the first that the members of the caucus had not the courage of their convictions. They were afraid to do for Utah what they felt in their hearts was their duty to do, and what they knew the Territory was entitled to receive ... 1

Caine tried to discover how the Democrats in the Senate and the House felt about the caucus action in ignoring Utah in the omnibus bill. Some congressmen believed a blunder had been committed; whereas, others felt it was the only safe policy to follow in the interest of

the other territories.\(^1\) Further action on the Utah bill was postponed.

**Fifty-first Congress: 1889-1890**

**Election of Caine for his fourth term, 1888.** The fall election of 1888 witnessed three candidates in the field for the Utah delegateship. Caine was renominated by the People's party; Robert N. Baskin was nominated by the Liberals; and Samuel R. Thurman was the candidate for "The Democratic Party of the Territory of Utah."

The People's party, in its convention, went through the usual formalities of nominating Caine, knowing full-well before hand, that he was the logical choice. Delegate Caine was still in Washington working for the adoption of his statehood bill when he received word of his re-nomination. He telegraphed his acceptance and later, upon his return to Utah, wrote an open letter to the press expressing his thanks and appreciation for the confidence displayed by his constituents in re-nominating him. He pledged his continual support and effort in attempting to bring about favorable national action in behalf of Utah and concluded by consigning himself to an ambitious effort to obtain statehood for Utah.

Again, the election was an unusually quiet one with very little

---

\(^1\)Ibid., 159. Prior to the consideration of this proposal for statehood for Utah, the Attorney-General of the United States was asked to provide information about the number of convictions for polygamy that had been made in Utah and Idaho. The results of this investigation are found in U. S. Congress, House of Representatives, House Executive Documents, Report No. 447, serial 2561. 50th Congress, 1st Session, 1888. It was found that between the period of 1882-1887 there had been 500 convictions in Utah and 89 in Idaho for polygamy or unlawful cohabitation.

\(^2\)For the entire text of the letter, see "Journal History," November 2, 1888.
campaigning being done by any of the three candidates. The election, which took place on November 6, 1888, was conducted simultaneously with the great national political contest that restored to power the Republican party, with Benjamin Harrison as President. Caine won the local election quite handily, but with a smaller majority than in any of the previous elections. The count was 10,127 for Caine; 3,404 for Baskin; and 511 for Thurman.¹

The Paddock bill; 1888-90. The Fifty-first Congress was inaugurated with the usual anti-Mormon effort. A bill, having as its primary substance the appointment by the governor of Utah of certain county officers previously elective, was introduced in the Senate by Senator Algernon S. Paddock (R-Nebr.) during the first session of the Fiftieth Congress.² It was referred to a sub-committee. Caine did not make an effort to speak before the sub-committee or to make any public statement concerning this bill for fear such a move on his part would merely add fuel to the already blazing conflagration of anti-Mormon sentiments. Caine informed Mormon church President Wilford Woodruff that he preferred to work against the bill in private with individual members of the Senate committee and would follow that course unless advised otherwise by President Woodruff.³

The bill failed to garner the necessary support for passage within the committee during the Fiftieth Congress, so, Paddock re-introduced the substance of the bill in the Senate during the first session of

---

¹For complete returns of the election, see "Journal History," November 17, 1888.

²Congressional Record, 50th Congress, 1st Session, 25.

the Fifty-first Congress. The new bill was referred to the Senate Committee on Judiciary, of which George F. Edmunds was the chairman.¹

The Utah delegate wrote to Edmunds asking him for permission to appear before the committee to present his objections to the bill.² Edmunds relented and allowed Caine to speak.

In his remarks, Caine denounced the bill as being un-American and subversive of the traditional ideals of local self-government. He reminded the committee that the governor already had the power of appointment over a great number of territorial officers. Therefore, the governor had a large share of the official patronage of the territory according to the existing laws. He insisted that no man should possess or desire such powers as would be granted by this proposed legislation. While the bill did not directly disfranchise the voters, it was a movement in that direction and Caine observed that it was a cruel, unjust, and unusual punishment.³ This particular bill lost momentum but was superseded by one of a more stringent character.

Cullom-Struble bill of 1890. It was on April 11, 1890, that Senator Cullom introduced what has become known in Utah history as the Cullom-Struble bill in the Senate. This was a measure that had been master-minded by Robert N. Baskin, a rabid anti-Mormon resident of Utah. The bill proposed to disfranchise all members of the church living in a polygamous relationship, teaching, advising, or encouraging the practice of polygamy, or anyone who belonged to, contributed, or

¹Congressional Record, 51st Congress, 1st Session, 103.
²Letter from John T. Caine to George F. Edmunds, December 20, 1889, Letterbook V, 1; Letter from John T. Caine to George F. Edmunds, March 17, 1890, Letterbook V, 196.
³Speech delivered by John T. Caine on Senate bill 356. (MS on file at the Utah State Historical Society).
gave encouragement to any organization sponsoring polygamy. It
further proposed to prevent the naturalization of Mormon aliens.
A test oath was incorporated within the bill which forced male residents
of Utah to, in face, deny belief in several teachings of his church
before he was allowed to exercise his franchise.\(^1\)

Upon learning of the Cullom bill, Caine contacted Judge Jeremiah
M. Wilson, a legal consultant, in order to determine the most beneficial
course to follow. Caine was undecided as to whether he should exhibit
active and open opposition or if he should feign indifference and work
through the means of quiet opposition.

On April 11, 1890, Representative Isaac S. Struble (R-Ia.)
introduced a copy of the Cullom bill into the house, thus his name was
also attached to the proposal. It was referred to the Committee on
Territories, of which Struble was the chairman.\(^2\) Most of the argument
against this bill before the committee was championed by Judge Wilson
with Caine taking a secondary role. Struble pledged himself to support
the measure. Caine alleged in a private letter to President Woodruff
that Struble was anxious to make political capital out of his role in
the movement to break the political power of the Mormons. In Caine's
opinion, Struble had seen in the disfranchisement scheme an opportunity
to gain a national reputation.\(^3\)

Convinced that the cause of Utah could best be served by the
pressure of the business interests, Caine wrote to President Woodruff

\(^1\)For the complete text of the test oath, refer to "Journal History,"
entry for April 11, 1890.

\(^2\)Congressional Record, 51st Congress, 1st Session, 3327.

\(^3\)Letter from John T. Caine to Wilford Woodruff, George Q. Cannon,
and Joseph F. Smith, April 30, 1890, Letterbook V, 299-300.
to ask his aid in this project.

My idea is that if some of our brethren whom this measure proposes to disfranchise could secure through business relations letters of introduction to prominent men either in the House or Senate, by making the matter a personal one they might arouse the sympathies of those appealed to in a way which probably no other means would reach. Our businessmen should make a strong and earnest appeal to the firms of whom they purchase goods, to have them use their influence with the members of Congress from their respective districts to defeat this measure ... .

Caine believed that the way to defeat this bill, as was the case with most of the proposed legislation, was to prevent its coming up in the House.

His efforts failed, however, for the bill was reported back to the House favorably on April 28, 1890. Nevertheless, the Cullom-Struble bill was not to become law. A series of events commencing in the summer of 1890 culminated in the dramatic issuance of the famous "Woodruff Manifesto" which officially discontinued the practice of polygamy by the Mormon church. The issuance of the Manifesto was instrumental in turning the tide of national sentiment in regard to Utah. Though the proponents of the Cullom-Struble bill were unwilling to accept the Manifesto, public opinion and the new attitude being taken in Congress brought about the death of the bill.

Fifty-second Congress: 1891-1892

Election of 1890. The fact that Delegate Caine fully endorsed

\[1\]Ibid., 301-02.

\[2\]Congressional Record, 51st Congress, 1st Session, 3507.

\[3\]Wilford Woodruff became President of the Mormon church in April, 1889. He soon found it impossible to continue polygamy in opposition to the Edmunds-Tucker Law, so in 1890 he issued a "Manifesto"—a proclamation suspending the practice of plural marriage. Woodruff claimed that the basis for the "Manifesto" was revelation regarding the discontinuance of polygamy.
the church in the issuance of the Manifesto made it quite obvious that he would again be the choice of the People's party. He was unanimously nominated at the convention which met on October 10, 1890.¹ The Deseret News of the time insisted that there were no other names presented at the convention for nomination. The Tribune, however, claimed that Caine was chosen again because of his submissive attitude toward the church. The Liberals expressed their disappointment in the People's choice because they were sorry to see that there was "no advance in the rigid institution, no symptoms of a desire even to put the Mormon people in accord with the government and people of the United States."²

The People's party continued to exalt the virtues of their candidate by encouraging the citizens to vote for him because he had "moved forward into prominence and national reputation and is known today in Washington and elsewhere as a dignified, yet genial, gentleman."³ They apologized for the conspicuous lack of speech-making on the part of their candidate during the previous Congress. They were of the opinion that the amount of labor Caine had performed was not publicly known, because it had not consisted so much of speech-making as private working. Finally, they insisted that the chief work of legislation is not done in the debates in Congress, but is performed in committee and by laboring privately with members.

At the time of his nomination, Caine was still in Congress fighting

¹For the complete text of the People's platform and the proceedings of the People's Party Convention, see the Salt Lake Tribune, October 11, 1890.

²Idem.

³Deseret News, October 18, 1890.
the Cullom-Struble bill. Upon receipt of the news of his nomination for his fifth successive term, he wrote a letter to Franklin S. Richards, chairman of the People's party, and accepted the renewed challenge.¹

This election, in contrast with those of 1884, 1886, and 1888, was marked with some active campaigning, especially on the part of the Liberals. Charles C. Goodwin, editor of the Salt Lake Tribune, was chosen as the Liberal candidate to oppose Caine. He actively campaigned, using the newspaper to great advantage. He took his case to the people of the territory by visiting several of the major cities. This activity, on the part of the Liberal party, forced the People's party into a rather extensive campaign effort, something which they had not originally planned to do. Though Caine won by a large majority, the result of this election, as compared with those of previous elections, gave the church dominated People's party reason to feel uneasy. The total vote showed only 10,426 cast for Caine while Goodwin garnered 5,927.² The consequences of the Utah Commission, under the Edmunds-Tucker Law, can be seen in this election. The Utah Commission had arrived in Utah and had duly disfranchised the polygamists and those not willing to submit to the provisions of the Edmunds-Tucker Law. This clearly explains why the total number of votes cast was so insignificant as compared with previous elections.

The Home Rule bill, 1892. Despite numerous discouragements in his efforts to achieve statehood for Utah during the previous sessions of Congress, Caine's hopes for such a condition had not been dimmed.

¹Letter from John T. Caine to Franklin S. Richards, October 18, 1890. (MS is located at the Church Historian's Office, Salt Lake City.)

²Deseret News, November 15, 1890.
With the opening of the first session of the Fifty-second Congress, the Utah delegate was prepared once more to further the cause of Utah. To aid Utah in her desire for local government, Delegate Caine in 1892, in addition to espousing statehood, was seeking the passage of a home rule bill, which fell short of statehood but provided for a larger popular participation in the territorial government.

In response to the home rule idea of Caine, the National Democratic Territorial Committee prepared a bill which modified the Organic Act of the territory so as to provide for the election of all territorial officials from the governor down to the precinct justices of the peace by the people. The natural result of such an action would be the abolition of the Utah Commission. The basic idea was to provide local self-government for the territory under the supervision of Congress.

Caine received the bill on January 3, 1892, and introduced it in the House personally on January 7th. The proponents of the bill affirmed the readiness of the territory for admission as a state, but feared it might be some time before this could be realized due to public prejudice against the Mormons that was still prevalent.

Caine insisted that the home rule bill was a step in the direction of complete statehood. Some of the Democratic congressmen advised Caine to strive for absolute statehood and forget about the home rule bill, but Caine was willing to take whatever Congress was ready to allow.

During February of 1892, hearings were held before the Committee on Territories of both the Senate and the House. Prominent Mormons

---

1 Congressional Record, 52nd Congress, 1st Session, 2021.
and Gentiles appeared before the committee to urge the passage of the home rule bill and it was finally reported favorably to the House on March 30, 1892. However, like other measures concerning Utah, the bill had become a party measure that ended in a battle between the Republicans and the Democrats. No agreement could be reached and so Caine’s home rule bill became a dead issue.

An alternate plan to abolish the Utah Commission. When the home rule bill failed, Caine sought for an alternative method to destroy the Utah Commission. Upon advice of Charles C. Richards, Caine decided to dispense with the Commission altogether by inserting a clause in the appropriation bill for the territory. Caine was successful in inducing the House Appropriation Committee to dissolve the Utah Commission. His influence was not as effective, however, in the Senate Committee on Appropriation. By a vote of 28 to 24 they voted on June 29, 1892 to continue the Utah Commissions. Every Democrat but one voted to abolish the Commission, while every Republican but three voted to continue, thus, making this measure another victim of party politics.

Utah again seeks statehood, 1892-1893. On January 22, 1892, bills for the admission of Utah into the Union as a State were introduced in the Senate by Senator Henry M. Teller (R-Colo.), and in the House by Clarence D. Clark (R-Wyo). Doubtful of the sincerity of the Teller...
bill, Caine said,

It looks to me like a bluff ... intended merely to capture a majority of the Mormon votes at the next election in the Territory. The Democrats having introduced the Home Rule measure, the other Party says "We'll go you one better." While I firmly believe that Senator Teller is in earnest, and that he and one or two other Republicans might vote for the admission of Utah, I have no idea that Statehood will find many advocates among the Republicans in the Senate ...

Caine's doubtful assumptions were proven wrong. The bill seems to have worked as a catalyst in stimulating congressmen of both parties to think in positive terms about granting statehood to Utah. Events had progressed so much in favor of Utah that on July 3, 1892, Delegate Caine felt the time had arrived to introduce an enabling bill in Congress. After being introduced in the House, the bill was referred to the House Committee on Territories.

As an added impetus to the statehood movement, Caine introduced a second bill to enable the people of Utah to form a constitution and state government in preparation for statehood.

Perhaps if there had been a little more time, Caine's bill might have passed Congress. He did not return to the following Congress and was denied the privilege of introducing the enabling act which resulted in Utah's becoming a state in 1896.

Soon after the passage of the Edmunds-Tucker Law, the church, as we have seen, passed the "Manifesto" bringing to an end the practice of plural marriage. We might wonder, then, why didn't Utah deny statehood for an additional five years? Polygamy was only a part of

---

1 Untitled newspaper clipping in the Church Historian's Office.

2 Congressional Record, 52nd Congress, 1st Session, 6967.

3 Ibid., 2nd Session, 584.
the whole situation. The nation was waiting to see if the Mormons of Utah were willing and ready to meet certain other requirements set up by the Edmunds-Tucker Law. The church was required to not only give up polygamy, but to permit a complete division of politics to take place, allow for public schools in Utah, dissolve the Perpetual Emigrating Fund Company, disband the Nauvoo Legion, and allow others, not of the Mormon religion, to buy shares in church property. The nation had to be convinced that Utah would meet each of these provisions before statehood could be granted. The Mormon church was required to submit to these requirements. All of this took time, and it was only after the national Congress was convinced that the Mormons and Utah could be trusted that it was willing to admit Utah into the Union.

Upon the dissolution of the People's and Liberal parties, Caine, who had always been a Democrat in spirit, became identified with, and one of the leaders of, the Democratic Party of Utah. Caine had been politically bound to the Democratic Party since his entrance into politics despite the fact that he held office due to his affiliation with the People's party.

With statehood in sight, Delegate Caine was the logical candidate for re-election in 1892. However, upon the advice of his personal friends, he sacrificed his own political interests. They suggested that in order to show the country that the dissolution of the People's party was an honest reality, it would be advisable to nominate a non-Mormon for delegate. Consequently, Caine joined in the nomination of, and zealously worked for, the election of Joseph L. Rawlins.

On the 5th of September, 1895, at the Democratic Convention for the nomination of state officers, held at Ogden, in anticipation of
statehood, Caine was almost unanimously nominated for governor. But in the election, after a thorough canvass of the territory, he shared the fate of his party, receiving 18,519 votes as against 20,833 cast for the successful Republican candidate, Heber M. Wells. In 1896 he was elected to the State Senate. He served but one session in that body, having drawn the short of one year term.¹

The significance of John T. Caine in his service as territorial delegate must not only be evaluated in terms of the personal characteristics of the man but also in terms of the general emotional climate of the times. Feelings of antipathy and prejudice towards members of the Mormon faith were so strong that Caine was influenced by, and to a certain degree, controlled by this circumstance in his congressional work.

The basic question is whether or not Caine was directed or controlled in his role as delegate by the church leaders. If it is determined that Caine sought and received instructions from the First Presidency of the church, the logical assumption would be that there was a union of church and state in 1882-93. The correspondence of Caine contains information which seems to substantiate the arguments alleging the domination of the Mormon church over secular affairs. He was in constant contact with Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, the three men who comprised the First Presidency. In contrast, he seldom contacted the territorial officials--federal or local. Therefore it is significant that Caine sought the advice and counsel of the church authorities on important legislation. As would

be expected, he sought their guidance particularly when it was apparent that the political rights of the Mormons were in jeopardy. If uncertain, he would ask for advice from church leaders.

Although there is considerable evidence that Caine was advised and at times guided by the church leaders, it must be emphasized that he was not a man who blindly followed the dictates of others without exerting his own independent thoughts and desires.

In all matters requiring executive action, Caine spoke in warm terms of the high sense of justice manifested by President Grover Cleveland. It is quite evident by the correspondence carried on by Caine, that with the President, the heads of departments, and the attaches of several government offices, he maintained the most cordial relations.

In short, John T. Caine, a veteran in the business and political world, was one of the best known men in Utah during the territorial period. He represented the Territory of Utah in Congress for five successive terms in addition to performing various political tasks of a purely local nature. "A Christian gentleman in the full meaning of the term, he had the respect and love of all who knew him."¹

¹Deseret News, September 20, 1911.
CHAPTER IX

JOSEPH L. RAWLINS, 1833-1895

Joseph L. Rawlins, the youngest of three children, was born in Mill Creek, Utah on March 28, 1850. His parents, Joseph S. and Mary Rawlins, were natives of the Central States, having come to Utah in the late 1840's with the early Mormon migration. The Rawlins family moved to Draper when young Joseph was but two years old. They settled on a farm in that small town and it was there that our subject was tutored at the village school in winter and worked upon his father's farm in summer. His quick mind was capable of grasping and assimilating all useful knowledge within its reach. Consequently, at the age of eighteen he presented himself as a student at the University of Deseret.

Young Rawlins was so proficient and capable that soon after entering the University he was engaged as its instructor in mathematics. With this position he was soon able to obtain the necessary financial means that permitted him to prosecute still further his studies. In July, 1871, he entered the sophomore class at the University of Indiana, at Bloomington. Upon his completion of the course of study at Indiana, he returned to Salt Lake City and became professor of Greek and Latin at the University of Deseret, a position that he held for two years. His spare moments were devoted to the study of law.

1Biographical and important material on Joseph L. Rawlins is available in Orson F. Whitney, History of Utah, (Salt Lake City: George Q. Cannon & Sons Co., 1904), IV, 678-82; at the time of death, the Salt Lake City newspapers printed short biographies in connection with obituaries, see Deseret News, May 25, 1927, and Salt Lake Tribune, May 25, 1927.
In 1874 he was admitted to the bar of the Third District Court, and in 1875 to the bar of the Supreme Court of the territory.

He began his own law practice where he gained for himself a respected reputation because of his careful and thorough preparation, his logic in argument, and his marked ability in oratory. In 1878, Rawlins was admitted to the bar of the Supreme Court of the United States.

His activities in Utah Territory politics began when he was chosen as a member of the 1882 Constitutional Convention--the fourth one in the history of Utah. The convention met in April of that year and framed a constitution upon which Congress was asked to admit the Territory of Utah into the Union as a state. This was shortly after the enactment of the Edmunds law. Rawlins advocated the insertion of a clause in the constitution prohibiting polygamy, but as the majority were not prepared to recommend such an innovation at that time, the matter did not come before the convention.

In 1884, Rawlins entered practical politics by organizing the Young Men's Democratic Club of Utah, of which he was the president. The object of the organization was to furnish a rallying point for the young men of the territory who would not affiliate themselves with either the anti-Mormon Liberal party or the pro-Mormon People's party. The "Young Democracy" established a paper, the Salt Lake Democrat, and put a ticket in the field for the county and district election, but the People's party was still paramount, and buried all opposition. The new movement, not receiving the support it had counted

---

upon, gradually dwindled and died.

Rawlins had been a member of the Mormon church since early childhood. His father and mother were both active members and participated in most of the major activities of the church. This future congressional delegate, however, differed with the principles of the religion and finally apostatized. Though he could not accept many of the Mormon ideas, he protested against the Liberal movements of the time and worked hard to help bring about the defeat of Judge Goodwin in the delegate election of 1890. This action placed him in a favorable position with many Utah Mormons and led to his congressional election of 1892.

In the spring of 1892, he was one of a committee of Democrats and Republicans who went to the capital city to back up the petition of the Utah Legislature for home rule, arguing in support of it before the Senate Committee on Territories.¹

Since 1872 the Republican and Democratic parties had maintained a shadowy sort of existence in the Territory of Utah. Beyond sending delegates to and keeping in touch with the great political gatherings held in various parts of the country, they had accomplished little or nothing. The year 1890 seemed favorable for organizing in Utah the national parties. In that year a Chamber of Commerce was organized at Salt Lake City. It made a point of ignoring religious differences and seeking to help break down the Gentile-Mormon conflict. This was especially emphasized because the eyes of the entire nation were on

Utah. The members of both the Liberal and People's parties had finally come to realize that it would be better for all concerned to disband the local political parties and organize the people of the territory on national party lines.

Prominant members from both political parties held a joint meeting at Salt Lake in May, 1890. They discussed the subject of disorganizing home parties and joining national ones. A committee was appointed to further agitate the question. As a result of this agitation, the Democratic Party of Utah came into existence during the spring of 1891.1

In May, 1891, another committee composed of both Mormons and Gentiles organized the Central Republican Club, which shortly thereafter became the Republican Party.2

The territorial committee of the People's party met on June 10, 1891, and adopted a resolution dissolving the organization, ostensibly leaving its original members free to join either of the great national parties according to individual preference.

The Liberal party refused, at this time, to disband. On the 29th of May, 1891, it held a great rally in Salt Lake City at which there were between four and five thousand people present.3 The purpose of this rally was an attempt to further stimulate the Liberal cause. Two years later, however, the Liberal party, too, was forced to disband

1Joe Williams, "Political Parties of Utah," (unpublished Master's thesis, University of Utah, Salt Lake City, Utah, 1933). This work is of special value in the study of the Utah political parties.

2Ibid.

3For complete proceedings of this rally see Salt Lake Tribune and Salt Lake Herald, May, 30 1891.
leaving all the people of Utah free to choose one or the other of the major parties.

The result of this political change was a triangular battle for the Utah delegateship in the election of 1892. Rawlins was the choice of the Democratic party, with Frank J. Cannon running on the Republican ticket, and Clarence E. Allen carrying the hopes of the insistent Liberal party.

The Democratic convention met in Provo on October 6, 1892. When nominations for delegate to Congress were declared in order, H. W. Smith, in a brief and well worded speech, nominated Judge Henry P. Henderson. A storm of applause and round after round of cheers followed. When quiet was finally restored, Judge Henderson took the floor and begged earnestly for the convention to consider him out of the race entirely. He would not and could not accept that responsible office. It did not take long to ascertain that the Judge meant what he said and his name was withdrawn.

The roll of counties was then called and no nominations were made until Salt Lake county was reached, when Judge Judd took the platform and named Joseph L. Rawlins of Salt Lake City as his nominee. This was the occasion for another demonstration. When the call of counties had been completed, the rules were suspended and the nomination made by acclamation.¹

The Salt Lake Tribune, an organ of the Liberals, and the Gentiles in general, were quick to insist that the nomination of Rawlins had been fully expected. They expressed their belief that the candidate

¹For the entire account of the convention see Deseret News, October 7, 1892. Also see "Journal History," entry for October 6, 1892.
had been out of the Mormon church for some time, but that he was of
Mormon stock, his father being a good bishop, and had always been
held as a close friend of the Mormon people. They expected this fact
to be a strong campaign issue in his favor and were confident that
he had lived as good a Mormon life as Frank J. Cannon, the Republican
candidate. The Liberals conceded that the nomination of Rawlins
should prove to be a strong one, but insisted that the Liberal party
was going into the fight with better hopes than they had had for many
years. The Liberals met in convention on October 12, 1892, and named
Clarence E. Allen to be their standard-bearer in the up-coming election.

The fact that there were three ambitious candidates working for
the right to represent Utah in Congress made for one of the most
spirited campaigns ever seen in the territory. The Deseret News,
was quick to impress upon the minds of its readers the virtues of
the two national party nominees. It suggested that Rawlins and Cannon
stood for progress, peace and prosperity, while the Liberal candidate
was but a representative of a system which meant retrogression, holding
back, and "shutting out from the gaze those fair visions of a condition
in Utah in which all classes will be at peace and the only discords
produced will be those of honorable and justifiable competition."3

The Liberals continued to express strong sentiments of fear
that the Mormon church would still hold great influence and control

1Cannon was nominated at the Republican convention held in Salt
Lake City on September 16, 1892. For the account of this convention
see Deseret News, September 17, 1892.

2Salt Lake Tribune, September 29, 1892; October 6, 1892; October 7,
1892; October 8, 1892; October 13, 1892.

3Deseret News, October 22, 1892.
of the government. They accused the Mormons of being clannish and not assimilating Gentiles into their social system, thus causing them to abstain from freely expressing themselves in a political manner.¹

The campaign of 1892 inaugurated many issues never before seen in Utah elections. There was a charge made that Mormon church influence had been exerted in favor of Frank Cannon. A pamphlet was printed and issued in which it was held that Joseph Smith the Prophet, and his brother Hyrum, were "old line Whigs"—predecessors of Republicans in political principles—while other church leaders also were Republicans. The pamphlet was illustrated with portraits of these church leaders, and with that of Frank Cannon. Further evidence of church influence was alleged by the issuance and circulation of a certificate bearing witness to the good standing in the church of Cannon—of which there was much question at the time—by men in high standing in the church. This, taken with the well-known agnosticism of Rawlins, was likely to influence greatly the election in Cannon's favor.

There was also a sharp passage of words between Rawlins and President George Q. Cannon, former delegate to Congress and father of the Republican nominee. The issue arose out of an instance in 1886 when George Q. Cannon failed to appear in court, causing the forfeiture of bonds amounting to some $45,000. Two of those bonds of $10,000 each were not paid, but were carried by appeal to the United States Supreme Court. In the spring of 1892, President Cannon, while in Washington, succeeded in effecting a compromise by which he was

¹Salt Lake Tribune, October 15, 1892.
relieved, for a small consideration, from the necessity of paying them.

Concerning this compromise, Rawlins is credited with saying:

It is whispered that a compromise had been effected, and it is said $20,000 of the bonds were remitted, and it has been further said that the relinquishment of the $20,000 bonds was in consideration of the Mormon vote being given to the Republicans. What do you think when I tell you that in consideration of his bond being reduced $20,000, the Mormon people are to be sold into the ranks of the Republican party?¹

Cannon refuted the charge by explaining that while he was in Washington, some high officials felt that a terrible injustice had been done him in the matter of the bonds. A settlement was made, and not a word was said by any one connected with the business concerning votes for the Republican party.² The entire issue served as evidence to prove that Utah politics were beginning to take on that "undesired" cloak that the Mormon church had fought so long to prevent.

The campaign was enlivened and finally culminated by a joint debate between the Democratic and Republican candidate, one session of which was held at Ogden, the other at Salt Lake City. The first session of the anxiously awaited public debate occurred in the Ogden Opera House on the evening of November 3, 1892. The meeting was believed to have been the largest and most representative political gathering of its kind in the history of Utah Territory.

According to the rules of the discussion Rawlins made the opening speech, which lasted one hour. Cannon then followed for

¹Deseret News, November 12, 1892.
²Idem.
an hour and a half, Rawlins closing in thirty minutes.\footnote{A full synopsis of the debate appears in the Salt Lake newspapers. Deseret News, November 12, 1892. Salt Lake Tribune, November 8, 1892. See also "Journal History," November 3, 1892 and November 7, 1892.}

The second session of this debate took place in the Salt Lake Theatre on the evening of November 7, 1892. The rules employed were the same as those used in the Ogden session with Cannon speaking first. It would be well to quote a few of the remarks made by Rawlins at this second session to illustrate the election problem faced by him with the Mormon church working, behind the scenes, toward the election of Frank Cannon.

The Democratic Party has not resorted to the use of Sunday schools (tremendous applause), or the Elder meetings to further their political ends. Neither have they dragged the names of men sacred to the Mormon people in the mire (...). (Cheers and applause from the Democratic side of the house.) They have endeavored to be honest in their canvass. They have issued no illustrated pamphlets as rewards of merit in the Sunday schools.

In Provo the people have been told not to vote for Joseph Rawlins because he was an apostate and an agnostic.

At Mill Creek secret emissaries were sent among the people. I am told, to inform the people the same things (...). To the people I would say if you listened to the admonitions of such men, under such circumstances, Oh, Utah! poor Utah, who has been wandering in the wilderness of despair for forty years, hang your heads in shame. But I say that on the morrow you will express your honest convictions at the polls. As to the result no man will yield greater obedience than myself (...). The Democrats have confined themselves to legitimate discussion in this campaign and with the result I will be content.\footnote{Deseret News, November 12, 1892.}

The debate was looked upon by the majority of the citizenry of Utah as a great success as a rhetorical tournament, but felt that it lacked something in its attempt to present to the people the real issues concerning Utah. They expressed their regret that the candidates on both sides paid so much attention to the United States tariff and kindred topics at the expense of those which more immediately affected
The fact that the election caused much interest is evidenced by the business advertisements printed in the local newspapers of the time. One particular advertisement from the Misfit Clothing Parlors of 10 East 2nd South Street in Salt Lake City, made a point of the fact that no matter how long or how short one was, or no matter if one were a Republican, Democrat, or Liberal, there was no obstacle in the way of his obtaining a perfect fit at their establishment of business. It further boasted that trade at their store was equal to all, no matter of political affiliation.

The morning of Tuesday, November 8, 1892, the Utah people went to the polls en masse to make known their choice and to set a new election record in Utah Territory. The total vote of the territory for delegate to Congress was 34,577, against 23,765 at the previous election—an increase of 10,812. Of the total number of votes, Rawlins received 15,201, Cannon 12,390, and Allen 6,986, giving Rawlins a plurality of 2,811.

The result of the election in Utah was handled in many ways by the press of the country. They were, however, in agreement about the excitement of the contest and the interest that it had generated, not only in Utah, but in the entire country. They were quick to recognize that it was really only a contest between the Democratic and Republican candidates and that the Mormon church leaders had used their influence in an attempt to have the Republican choice elected. Furthermore, the press felt that the election of Rawlins, who was of

1"Journal History," November 4, 1892.

2Salt Lake Tribune, October 9, 1892.
Mormon parentage but an agnostic in faith, showed that the Mormon people were sincere in declaring that henceforth they stood with their political party without reference to their religion. Finally, they suggested that had the people been under the direction of the church leaders in their politics, Cannon would have been elected. That he was defeated by his own "brethren" was good evidence that the Mormons would henceforth vote as they pleased.

In the election of 1892 the Democrats won complete control of the United States government for the first time in thirty-two years. Grover Cleveland became President. As to Utah, there was a gleam of optimism spring up that seemed to point toward statehood. With a delegate from Utah in harmony with the dominant party, there would seem to be nothing wanting to make measures in their behalf speedy and complete.

Fifty-third Congress, 1893-94

The resignation of Rawlins. All of this hope and optimism was somewhat dimmed, however, at the outset of Delegate Rawlins' term in Congress. He had been but a short time in Washington when he wrote out his resignation and sent a copy to Governor Caleb West of Utah and Clerk Kerr of the House of Representatives. This happened on May 7, 1893, before he was even seated in Congress. The reason for such action seems to have been rooted in his feeling that he had not the support of his constituents in Utah and that the Washington administration was lacking in understanding and cooperation with him in matters concerning Utah. The whole problem had its beginning in a misunderstanding between President Cleveland and Delegate Rawlins over the appointment of a territorial secretary. Rawlins had encouraged
the appointment of Alfales Young to this position, but the President, without outwardly considering anyone else, promptly appointed Charles C. Richards. Delegate Rawlins protested and left Washington, vowing never to return. He had become thoroughly disgusted with his short experience with politics. He felt that the delegate from a territory in Washington had neither importance nor influence, especially under the present administration. He asserted that no man of character or self-respect could dangle around the departments and receive the snubs which fall to the lot of all at the White House. He stated very openly that four times the salary of a delegate would be no inducement to him to submit to the humiliation of which he had had a sample.

It was a sensational event in Utah politics. No one but a man of Rawlins' independence would have thought of handing in a resignation from Congress before he had taken his seat.

This sensation caught the ear and interest of the entire nation. Papers throughout the country quickly spread their pages with the events for the nation to read. Utah reacted in several different ways. After the shock had worn off, and the whole event became real, groups formed that were equally divided between those who were quick to condemn Rawlins for his action and those who took sides with the Utah delegate.

The Deseret News capitalized on the issue and was ruthless in its attack upon Rawlins.

It is a fair presumption that Mr. Rawlins knows his own business best, and it is unquestionable that he cannot be compelled to hold a position which he does not want. But his party in Utah will probably exercise its right of wanting to know why it was not consulted nor apprised of such action before it was taken. To be at the head of a force recently victorious and, without advising it, to drop off and quit, is sometimes a very demoralizing thing to do and its influence in any case cannot but be felt. Besides, the people of the Territory have some rights in the premises. They naturally will have little consideration for an
official who thus childishly plays with a weighty trust, and will regret that the fortune of politics gave them a representative who knows his own mind so little, or whose mind is subject to such sudden and embarrassing change.

The thousands of dollars which a new election will cost, the turmoil and demoralization of business which a political campaign inevitably causes—all this seems to have been overlooked or ignored by the impetuous Delegate ... . If all our Delegates had chosen to desert their constituents in this manner because of some displeasure at the selection of Federal appointees, there would have been many resignations and many special elections. Fortunately they have looked upon their duty in a somewhat broader light ... .

... for itself, the News considers his course insulting to the people of the Territory and petty and babyish in the extreme. Still, better now than later; let us hope that next time such a choice will be made as to spare us any repetition of the humiliation.¹

The Deseret News went on to say that Rawlins had dug his political grave and had played the baby act to perfection. The editor speculated that he had made the mistake of his life and would live to regret it.

On the other hand, the Tribune took the side of Rawlins and praised his actions. The editor accredited him with spirit enough to suggest, as the rightfully elected delegate to Congress from Utah, who should be appointed to office in the territory, and to protest against the appointment of men who he did not believe had the necessary qualifications to hold office. The paper asserted that the church Democrats tried to "bulldoze" him, the administration directly snubbed him in the matter of the best office in the territory, and Rawlins, as a result, immediately resigned his office. Though the paper felt, as did the opposition, that the action would mean a delay in obtaining statehood, the columns hailed the event as just one more incident leading to the desired separation of church and state.² It was a

¹"Journal History," May 8, 1893.
²Salt Lake Tribune, May 8, 1893.
well-known fact that Rawlins was of marked individuality and was an opponent of church influence in politics.

The people of Utah were left in a dilemma. The confusion immediately set off an unofficial campaign for a new delegate. Frank J. Cannon was contacted and he stated his willingness to try again for the office. The Deseret News kept pressing the issue and persistently called for a new election. Governor West was somewhat reluctant to act officially without first speaking with Delegate Rawlins personally in an effort to learn all the facts about the matter.

Upon his return to Utah, Rawlins was visited by reporters who were anxious to know his reasons for resigning. When asked the question he replied that there were a number of things dating back that were unpleasant to ponder over. In the first place, he stated that he had accepted the office reluctantly and only as a matter of duty to his party and the people of Utah did he consent to become a candidate. He said that he had been told by some that he did not possess, to the degree that he wished, the confidence of the people. With this idea burning in his mind he came to the conclusion that he could not successfully serve them. He felt, however, since his return to Utah, that the expressions of friendship and respect offered him proved that he was mistaken. He further insisted that he had not resigned in a fit of passion, or through spite, but only acted as he did after a careful consideration of the conditions placed before him.

After reconsidering, and after personal conversations with Governor West, Rawlins decided to withdraw his resignation and return to Washington to take his seat in the Fifty-third Congress. This decision came as a disappointment to the majority of the Republican
party, but they eventually rallied with the rest of the Utah citizens and supported the unpredictable delegate.¹

As Utah's delegate, Rawlins took his seat in the House of Representatives, in August, 1893. It was the extra session of the Fifty-third Congress, and the month was devoted to the discussion of the silver question. His first speech in Congress, which was upon that subject, was delivered on the 12th of August. It attracted much attention, and was regarded by those who heard it as one of the best arguments advance in behalf of the silver cause.¹ It also served as an adequate introduction for the delegate to Congress, and helped to remove some of the doubts in the minds of many congressmen who had looked upon the resignation issue with some skepticism.

The final move for statehood, 1893. As soon as practicable, Delegate Rawlins drafted and presented a bill for Utah's admission into the Union. This bill, the basis for "The Enabling Act,"² under which Utah was finally admitted into the Union of states, was known as House Resolution 352. It was introduced in the House of Representatives on September 6, 1893.³ The bill proposed to "enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original

¹The newspapers of the time between May 8, 1893-May 30, 1893, are full of articles that fully explain the issues involved in the matter of Rawlins' resignation.

²Congressional Record, 53rd Congress, 1st Session, 279. For a complete text of his speech on silver see Deseret News, September 2, 1893.

³For excerpts of the Enabling Act, see Deseret News, July 21, 1894.

⁴Congressional Record, 53rd Congress, 1st Session, 1276.
States."\(^1\) The resolution was referred to the Committee on the Territories from which it was reported back on November 2, 1893.\(^2\) It was made the special order for the 8th of December, but owing to the filibustering tactics of the Republicans, who at first opposed the measure, its consideration was postponed four days. The bill was finally brought before the House on December 12, 1893, for discussion. There were still some members who felt that Utah was not ready for statehood because of her polygamous past. They still feared that the practice of polygamy would creep back and proposed certain legislation that would help curb it. This is exemplified by an amendment offered by Elijah A. Morse (R-Mass.) that reads in part:

> But said constitution shall prohibit polygamy or dual marriage, and polygamy or dual marriage shall be declared by such a constitution to be a felony and punishable by any of the courts of said State of competent jurisdiction by inflicting a fine of not less than $1,000, or more than $5,000, and confinement in the penitentiary for not less than one or more than five years.\(^3\)

Constantine B. Kilgore (D-Tex.) made a speech that lasted for an hour in which he fully explored the reasons why the Territory of Utah should become a state.\(^4\) Morse again spoke against the passage of the bill denouncing the Mormons, in much the same way that was used during the great anti-polygamy crusade that started in the early 1860's and continued to the passage of the Edmunds-Tucker Act of 1887.

> I desire to stand in my place and say that I am opposed to this bill.

> The history of Mormonism from the time that Brigham

\(^1\)Idem.

\(^2\)Ibid., 3100.

\(^3\)Congressional Record, 53rd Congress, 2nd Session, 174.

\(^4\)Ibid., 174-75.
Young made his pilgrimage and located, ... on the shores of the Great Salt Lake down to a very recent time has been a history of superstition, licentiousness, murder, and crime that is a disgrace to civilization, and one of the foulest, blackest blots on the pages of history.

The Mountain Meadow massacre, the doctrine of "blood atonement," the damnable crimes of the "endowment house," the doctrine of plural marriages, the persecution and wholesale murder of apostates and Gentiles who resisted or denied the authority of the Mormon Church, the crimes of the ... "destroying angels," a band of bloodthirsty assassins employed to execute the will of the Mormon Church, are all matters of history and fresh in the memories of the living generation.

... I am fearful that when the State shall be fairly inside the Union, the president of the Mormon Church, the successor of Joe Smith and Brigham Young, will have another revelation, reestablishing the "destroying angels," the "blood atonement," the "endowment house," and polygamy.

...

The Republican party in its earliest conventions denounced the twin barbarisms, slavery and polygamy, and pledged itself to the overthrow of both. The first promise, has been redeemed, at the expense of rivers of blood, thousands of lives, and billions of treasure ... . The twin relic of barbarism, polygamy, still lives. And while it does live and is in the ascendency I can never vote to admit Utah as a State of the Union.

Rawlins, in refutation of these accusations, made a vigorous reply to Morse that was "brilliant, impassioned, candid in tone, argumentative and delivered with telling effect." After reminding the Representative from Massachusetts that conditions in Utah had changed, Rawlins suggested that the present generation could not justly be held responsible for the acts of some of their ancestors. Furthermore, he said:

I propose to demonstrate in every respect the fitness of the Territory I represent for admission into the Union. In population, in wealth, in resources, in knowledge of our institutions, in standard of education, and in all the qualities that make intelligent and progressive citizens the people of Utah are fit for association with the proudest
... Who was responsible for the education of the men who established polygamy in Utah? I tell you, Mr. Chairman, the men who are responsible for it originally were born, were bred, were educated under the system and civilization of New England. (Applause)

I tell the gentleman now that the moral sentiment which led to its adoption in Utah, which led to that feature which is abominous, and, in my opinion, ought never to prevail, was the outgrowth of that puritanical sentiment which in some of its excesses in the older days burnt witches, persecuted Quakers, drove out from the community Roger Williams, and later produced the gentleman from Massachusetts. (Laughter and applause.)

He continued by stating that Utah had a population of 240,000, a much higher number than the average of those states previously admitted. He boasted that three-fourths of these people were native born citizens of the United States and that all of them, with the exceptions of about three or four per cent, could read and write the English language.

The Delegate suggested that if the gentleman from Massachusetts (Mr. Morse) would come to Utah and meet some of the men born, educated, and brought up there, he would feel that he had struck a country in which he was in reality a tenderfoot, and had something to learn.

He accused the Massachusetts' Representative of arraigning an entire people without evidence to justify what he said and concluded with these words:

... when a man who lives 3,000 miles away from them, who is unwilling to accept the testimony of reputable people who live right there among them ... unwilling to accept the testimony of decent people who have been in Utah--when a gentleman takes that attitude and has the affrontery to get up here and make such a speech as did the gentleman from Massachusetts, awhile ago, he ought to hang his head in shame. (Applause.) He is not worthy to represent a

---

1 Congressional Record, 53rd Congress, 2nd Session, 177-184.
The bill to enable the Territory of Utah to frame a state constitution and take the necessary steps to be admitted into the Union on an equal footing with the original states passed the House on December 13, 1893, with its only serious opposition coming from Morse of Massachusetts and Thomas Reed (R-Me). The bill was presented to the Senate and passed on the 10th of July, 1894, with only minor opposition arising. On the 16th of July, the bill was approved by President Grover Cleveland, and the way was thus cleared at last for Utah's statehood.

On learning of the passage of the bill in the House, the following telegram of congratulation was sent to Rawlins in Washington by the First Presidency of the Mormon church:

Salt Lake City, December 13, 1893.

On behalf of ourselves and people of Utah, we heartily congratulate you on the successful passage of our bill by the House providing statehood for our territory. May complete triumph crown your labors, which we all highly appreciate.

(Signed) Wilford Woodruff
Joseph F. Smith.

The Deseret News, now extremely friendly toward the delegate, was ardent in its praise of the part taken by Rawlins in securing the passage of the enabling act through the House. The following is a

---

1 Idem.
2 Ibid., 220.
3 Ibid., 7251.
4 Ibid., 7930.
5 Salt Lake Herald of October 28, 1894. George Q. Cannon, the other member of the First Presidency, was out of the city at the time explaining why his name was not added to the telegram.
part of an article written for the News by their Washington correspondent on December 13, 1893, the day the bill passed the House:

Too much praise cannot be given to Mr. Rawlins for his able, manly and discreet management of the bill from the start. He did not make any mistakes or blunders. He was modest yet firm and persistent. His speech was excellent, and his overhauling of Morse of Massachusetts for his bitter tirade was admirable, and it brought down the House in long-continued and oft-repeated applause, and the galleries resounded with cheers and acclamations. The fact is, everybody about the House was in favor of Utah. The members all gathered about Rawlins. At least fifty Republicans went over and clustered around the speaker. They wanted him to do well, and gave their encouragement at every stop, and took pains to applaud every point he would make.¹

Delegate Rawlins was overjoyed with the passage of the bill in the House. His statement is evidence of this when he said, "The bill has passed, and passed practically without amendment and without opposition. I believe that it will pass the Senate and become a law. The bill is a liberal one and an excellent one. It will give satisfaction to our people, irrespective of political parties in Utah."²

The eastern press was full of Delegate Rawlins' speech and praise for his admirable work for the passage of the Utah Statehood bill through the House. The Salt Lake Tribune's Washington correspondent illustrated this when he informed his home office of the impact that the delegate had had on the capital city. He wrote that Rawlins deserved every commendation given him. It seems that his speech was the talk of the hour in Washington and there was an ambitious scramble to obtain copies to be issued among the members of Congress. The Washington correspondent was of the opinion that the delegate's effort

¹Deseret News, December 23, 1893.
²Salt Lake Tribune, December 14, 1893.
gave him at once a distinct standing in the House, which was increased by the tact with which he guided the bill to its final passage. He concluded by saying that Utah had reason to be proud of him, and that the New York Times had suggested him for Senator in case of the admission of the territory.1

After the bill had been signed by the President, making it a law, the people of Utah, on August 1, 1894, held a "Statehood Jubilee" at Saltair. Many of the high political and governmental men of Utah were present and occupied a place on the program of the day. Delegate Rawlins, who had arrived in Utah on July 31, was the concluding speaker and was warmly welcomed by the audience as he advanced to the front to deliver his speech, which he did to the satisfaction and admiration of the mighty assemblage. He reviewed his labors in Congress and stated that if he had done well as claimed, it was because of the ever loyal assistance received from the people of the territory whom he sought to serve irrespective of party or creed. "Never," he said, "did a constituency prove itself more loyal or true than mine have done, and I am accordingly grateful and for their valuable aid I most sincerely thank them here and now."2

Restoration of escheated property, 1893. Three days after the introduction of the Utah statehood bill, September 9, 1893, Rawlins introduced House Resolution No. 34, providing for the return to the Mormon church of its personal property. This property, valued at some four hundred thousand dollars, had been seized under the operations

1 Ibid., December 15, 1893.
2 Deseret News, August, 11, 1894. See also "Journal History" for August 1, 1894.
of the Edmunds-Tucker act in 1888-1890. Under the operations of the act, this personal property, unlike the real estate of the church, had not been confiscated by the government, there being no warrant in law for such a proceeding, but had been taken possession of by the receiver in settling the affairs of the defunct ecclesiastical corporation. The property was finally turned over to the Secretary of the Interior and was authorized by court action to use it for building and repairing houses of worship and for the support of the poor. Before this could be carried to fulfillment, however, Congress enacted the Rawlins resolution restoring the personal property to the church.

When questioned in regard to the church property issue, Rawlins replied:

The story of its restoration is very short. I have ever considered its return to the people as a debt of justice and made up my mind before going to Washington to do all I possibly could in that direction. After reaching there I conversed with several congressmen and found that I could count on their support and prepared the resolution I introduced in the House.

Upon the introduction of the resolution in the House it was referred to the Committee on Judiciary. On October 3, 1893, the resolution was reported back and recommended that it be adopted.

Two days later William C. Oates (D-Ala.) called up the measure for

---

1 Congressional Record, 53rd Congress, 1st Session, 1362. Governor West, in his annual report to the secretary of the interior, for the year 1893, strongly urged Congress to promptly pass a congressional enactment restoring the property to the church. The bill that resulted had been drawn up conjointly by the governor and Delegate Rawlins. A good summary of Governor West's annual report will be found in Deseret News, November 25, 1893.

2 Deseret News, November 18, 1893.

3 Congressional Record, 53rd Congress, 1st Session, 2080.
debate in the House of Representatives and offered the following resolution:

Resolved, That the said personal property and money now in the hands of such receiver be, and the same is hereby, restored to the Church of Jesus Christ of Latter-day Saints, to be applied under the direction and control of the first presidency of said church to the charitable uses and purposes thereof. And the said receiver, after deducting the expenses of his receivership, under the direction of the said supreme court of the Territory of Utah, is hereby required to deliver the said property and money to the persons now constituting the presidency of said church, or to such person or persons as they may designate, to be held and applied generally to the charitable uses and purposes of said church.¹

After a short discussion between a few of the members of the House, Delegate Rawlins presented the facts of the matter. He fully explained the process by which the property was seized by the government, and stated that "when these people have yielded to all the demands of the Government, that this property in justice and right ought to be restored to them."² He further pointed out that the church had been stripped of all its property and that the United States had no ground on which to base any power or authority to control the property or hold possession of it. He concluded by insisting that the passage of the resolution was most urgent at that time in that the supreme court of Utah was to convene a few days hence. If the bill was passed soon, the property could be disposed of by the court. There being no objection to a vote being taken, the resolution was read a third time and passed.³

The bill was introduced in the Senate the next day, October 6,

¹Ibid., 2156.
²Ibid., 2157.
³Ibid., 2158.
1893, and was passed by that body with a minor amendment on October 21.\(^1\) The bill was signed by the President on October 25, thus making it a law.\(^2\)

A site granted for the University of Utah, 1893-94. During the 1890's, the University of Deseret was expanded and the name of the institution was changed to the University of Utah in 1892. There was a need for a site upon which the University campus could be constructed. On September 15, 1893, Rawlins introduced a bill in the House granting to the University of Utah a site off the public domain.\(^3\) Nothing was done with the bill until March 26, 1894, when the Utah delegate asked that the bill come up for consideration.\(^4\) The bill provided for sixty acres for a site and campus for the University, upon the condition that such tract should be occupied by the said university within five years after the passage of the bill. The land was then a part of the Fort Douglas military reservation located on the bench east of Salt Lake City. Rawlins had contacted and discussed the issue with the military authorities and found them to be very much in favor of such an action. With this support, he was successful in guiding the bill through both houses of Congress.\(^5\)

A bill to raise the limit of indebtedness of Salt Lake City, 1893-84. Delegate Rawlins was successful in guiding through both houses a bill

---

\(^1\)Ibid., 2195.

\(^2\)Ibid., 2960.

\(^3\)Ibid., 1531.

\(^4\)Ibid., 2nd Session, 2250.

\(^5\)The bill passed the House on March 26, 1894, Congressional Record, 53rd Congress, 2nd Session, 2250. It passed the Senate on July 6, 1894, Ibid., 7161.
fixing the limit of indebtedness which could be incurred by Salt Lake City. It was first introduced in the House on December 5, 1893. It provided for an act that would allow Salt Lake City to become indebted to an amount in the aggregate not to exceed six per cent of the value of the taxable property within said city. This would extend the limit of indebtedness by two percent. The limit that could be incurred by cities in the territories prior to this time had been fixed at four per cent of the value of the taxable property within the city limits.\(^1\)

The city of Salt Lake had recently found it necessary to construct an expensive sewage system. The limit had been reached before the improvements could be completed. It was easy for the Utah delegate to convince Congress that the action was absolutely necessary and it passed both houses with little argument.\(^2\)

**Uintah and Uncompahgre Indian Reservations bill, 1893-94.** Rawlins was also successful in pushing a bill through Congress that provided for the opening of the Uintah and Uncompahgre Indian reservations, in the Utah Territory. The bill authorized the President of the United States to appoint a commission of three persons to allot in severalty to the Uncompahgre and Uintah Indians agricultural and grazing lands. Under the general allotment act each head of a family was to get 180 acres of land while other members of the tribes were to receive eighty acres. The bill also provided that the rest of the lands on said reservations should be immediately open to entry under the homestead and mineral laws of the United States.

\(^1\)Ibid., 935.

\(^2\)The bill passed the House on January 17, 1894, Ibid., 935. It passed the Senate on February 19, 1894, Ibid., 2280.
Rawlins explained that the Uncompahgre Reservation contained 1,933,440 acres of land and was occupied by 1,021 Indians for about 7,600 acres of land to each family of Indians of four persons. Likewise, he stated that the Uintah Reservation contained some 2,100,000 acres of land occupied by 833 Indians thus allowing 10,000 acres to each head of a family of four persons. He further stated that it was completely unnecessary to have all this land within the reservations, arguing that it would be much to the advantage of the United States to have the portions of land not needed for allotment opened to entry under the homestead and mineral laws of the country.\(^1\) It was agreed that some 200,000 acres of land were necessary to satisfy the allotment, leaving some 3,833,440 acres open for other uses. The bill passed both houses with very little opposition.\(^2\)

**Defeat at the polls in 1894.** Rawlins ended his two year term as Utah delegate with a feeling of satisfaction and accomplishment. This same feeling was shared by his constituents, especially by his colleagues of the Democratic party who renominated him for delegate by acclamation at the regular party convention held on the 15th of September, 1894. This time, however, he was to taste defeat. In the election of 1894, the people for the first time in Utah history were to meet each other aligned solely on national party lines in Utah. All Utah appreciated Rawlins' services in Congress, and his fellow Democrats stood loyally by him in the campaign and at the polls; but various circumstances conspired against him. The Liberal

\(^1\) *Ibid.*, 7032-33.

party had now dissolved, and most of its members had arranged themselves under the Republican banner. The result was a Republican victory, with the election of Frank J. Cannon as delegate. The tariff and "hard times," the latter alleged to be the result of the Democratic victory of two years before, were the issues between the parties, and the Republicans won a very notable victory throughout the entire nation, as well as Utah.

Rawlins' defeat came only after a very satisfying two years in the halls of Congress. His crowning moment, of course, coming when he was able to champion through Congress the Enabling Act, making it possible for Utah to finally take her place in the Union. This act was the result of the effort of many people, not just Rawlins, who had given their all in patience, hard work, and talents. He did, however, enjoy the honor that comes to the representative in Congress when such an outstanding measure is realized. He had represented his people well, and left in Congress a favorable and respected imprint of his integrity and determination.

Rawlins accepted his defeat gracefully. He preferred private to public life, being much attached to his home and family. He resumed his practice as an attorney, always in demand by his Democratic friends to fill certain political positions. He was given the honor of acting as a Utah delegate to the 1896 National Democratic Convention held in Chicago, where he made a speech seconding the nomination of Richard P. Bland for the Presidency.

---

1All the facts of this election are included in the next chapter.

2Whitney, op. cit., IV, 682.
In the winter of 1896-97, Rawlins, at the solicitation of numerous friends, became a candidate for United States Senator, to succeed Arthur Brown, whose term had expired. The legislature had changed its complexion and was now again Democratic. A spirited contest ended in his election for a term of six years. Senator Rawlins took his seat in the upper house of Congress on the 4th of March, 1897.

He retired from Congress after one term as Senator on March 4, 1903, and immediately resumed the practice of law at Salt Lake City. The last honor conferred upon him was his election in June, 1904, as a delegate to the National Democratic Convention, which met at St. Louis in July, and nominated Judge Alan B. Parker of New York for President of the United States.
Utah's last territorial delegate and first state senator was born on the 25th of January, 1859. He was the eldest child of George Q. and Sarah J. Cannon. His first few years were spent in Salt Lake City where he attended school and was known as a bright student.

In his early youth he went to Ogden where he was employed in the office of the county recorder, Franklin S. Richards. In his leisure hours he read law with Richards, who was a rising attorney and was able to give proper and wise advice and help. The young Cannon had intended to practice law, but because of the strong views expressed by Brigham Young and his father, in opposition to that pursuit, he reluctantly acquiesced in the decision. While he did not adopt the legal profession, his studies along that line laid a good groundwork for his future career as a journalist. He remained in Ogden until he was eighteen, at which time he returned to Salt Lake City to continue his education.

He attended the University of Deseret, working in the office of the Juvenile Instructor to pay his way. He graduated from the University at the age of nineteen and entered the Deseret News establishment as a reporter. He stayed there for a short time until a better opportunity came up with the Ogden Junction. He later became

---

1Biographical and other important material on Frank J. Cannon is available in the following: Orson F. Whitney, History of Utah, (Salt Lake City: George Q. Cannon & Sons Co., 1904), IV, 682-686; Deseret News, July 26, 1933, and Salt Lake Tribune, July 26, 1933.
the editor and manager of the Logan Leader, the predecessor of the Logan Journal.¹

In 1880 he journeyed to California and obtained a position on the staff of the San Francisco Chronicle, a job he held until 1882 when he returned to Salt Lake City where he became deputy clerk and recorder and finally was elected county recorder in 1884. The winter of 1883-84 he spent in Washington, D. C., as private secretary to John T. Caine, who was serving as Utah's delegate.

In 1887 he became editor of the Ogden Herald, which had succeeded the Junction. The publication was later named the Standard by Cannon.

In the meantime, Cannon was becoming more familiar with affairs at the national capitol. With the help of his father's name and position, the young Cannon had made contact and friendship with several editors, statesmen, and politicians. He assisted Delegate Caine further in his congressional labors and worked energetically to secure a modification of the harsh methods by which the anti-polygamy laws were being enforced. For this purpose he visited President Grover Cleveland many times and became quite familiar with the chief executive and the policies of administration.

In 1890, Cannon argued before the Senate and House Committees on Territories against the Struble-Cullom bill, by which it was proposed to disfranchise the great majority of the citizens of Utah. He was found on several occasions in the office of the Secretary of State, James G. Blaine, pleading with the secretary to use his influence against such proposed legislation.

¹Orson F. Whitney, History of Utah, (Salt Lake City, Utah: George Q. Cannon and Sons Co., Publishers, 1904), 682.
Frank Cannon was the first editor in Utah to encourage a dissolution of the People's and Liberal parties, and the establishment in Utah of the national organizations. As already noticed, the Republican party was organized in May, 1891. In December of the same year, Cannon, whose political affiliations were with the Republicans, was dispatched to Washington to secure party recognition from the National Republican Committee.

The fall of 1892 witnessed the nomination of Cannon for delegate to Congress from Utah Territory. As we have seen he was defeated at the polls by Democrat Joseph L. Rawlins, after a campaign that became a political epoch in the annals of Utah history.

In 1893, he retired from the editorship of the Standard, and took part in the inauguration of the Pioneer Electric Power Plant in Ogden canyon. In the interest of this company Cannon visited the Eastern States and Europe.

Fifty-fourth Congress, 1895-96

Election of 1894. In the election of 1894, the people of Utah for the first time were to meet aligned solely on national party lines. The Republican party was the first to place their candidate in the field. At a territorial convention, held September 11, 1894, Frank Cannon was nominated without a single dissenting vote. The Salt Lake Tribune immediately took the side of the Republican candidate and announced his nomination in the following way:

---

1Joe Williams, "Political Parties of Utah" (unpublished Master's thesis, University of Utah, Salt Lake City, Utah, 1933).

2See Chapter IX.
He was Utah born; he grew up among this people; he known them thoroughly, and is in full sympathy with them; his fortunes and hopes are indissolubly linked with the fortunes and hopes of the people; all that he can do for himself will, from the very nature of things, be for them.

He is a brilliant man, an eloquent speaker, and an able writer, a magnetic man who draws to himself friends, and when the mantle which Mr. Rawlins has gracefully worn falls from his shoulders, Mr. Cannon will put it on and wear it with even more grace than Mr. Rawlins has. And now it is for Republicans of every degree to each become an individual worker that Mr. Cannon's victory may not only be a triumph, but an ovation at the polls.¹

The Tribune was rather ambitious in its campaign for Cannon and stated that it was proud that for the first time in the history of Utah "every Republican was a Republican."² Meaning, of course, that they felt that the Mormon church domination in politics was finally in its state of decline. The Gentiles proudly boasted that 1894 marked the beginning of a new era in Utah, brought about by the national political machine starting to force the Mormon church out of politics.

The Tribune further reminded its readers that all Republicans should take their obligation of voting seriously and go to the polls to support Cannon. They suggested that "the idea should be to have so immense a Republican majority all around as to make it look as though some Democrat ought to rise and move to make it unanimous."³

The Democrats met in convention at Salt Lake City on September 15, 1894, and nominated Joseph L. Rawlins to carry their hopes into the territorial election.⁴ They rested their hopes on the successful two year term that had just ended for their candidate and formed their

¹Salt Lake Tribune, September 12, 1894.
²Idem.
³Ibid., September 14, 1894.
⁴Ibid., September 16, 1894.
entire campaign around this theme.

The two candidates stumped the territory, taking their case to the people. They met in public debate and compared ideas and opinions freely. The nominees exchanged some rather sharp words during the course of the campaign and the entire population of Utah was aroused and took a great interest in the political race.

While the Tribune took a definite stand in behalf of the Republican candidate Cannon, the Deseret News seemed to be rather reluctant to come out in favor of either man. The papers presented both sides of the campaign and gave equal space to both aspirants. The editors stated that, though the two candidates were widely different in their politics and consequently in views as to which policy was the better for the people of Utah, they had some happy attributes in common. The columns suggested that both were of good Utah stock and were worthy Utah sons. The paper was convinced that both of the men were capable, willing, and patriotic as workers for Utah's welfare.¹

Both of the candidates had the vigor of youth, and neither lacked the personality and intellect that give men prestige and respect among their colleagues. The Deseret News expressed their satisfaction in knowing that, although one of them must unavoidably be defeated the people would have a trusted and worthy representative in the other. The editor was of the opinion that if one could not succeed in getting the candidate of his choice elected, it was some consolation to have at least the alternative satisfaction of having the candidate who, next to one's own nominee, would be most warmly approved.

Finally, the News suggested that it didn't matter how hot the

¹"Journal History," entry for September 12, 1894.
contest was, provided it was conducted in a clean way, and on courteous and correct lines. The paper pledged themselves to a pattern of surveying the conflict from a standpoint above the "lashings and fury of the waves of partyism, and to criticize or applaud an independent and unbiased observation as may suggest." 1

Election day, November 7, 1894, saw a notable victory for the Republicans and Cannon. When the votes were finally counted they showed a plurality of 1,819 for Frank Cannon. The distribution of the votes was: 21,326 for Cannon, 19,505 for Rawlins, and 555 for H. L. Gaut, a Populist candidate. 2 It was a Republican win throughout the nation.

It was quite generally expected that Utah would go Democratic in the election of 1894. Rawlins' plurality in the previous delegate election--1892--had been 2,811. The old Liberal party had garnered almost 7,000 votes. Had this Liberal vote broken anywhere nearly even, in 1894, the Democrats should still have had a majority. But evidently the remnant of the Liberal party from 1892 was largely Republican, and when it finally disbanded its members joined the Republican ranks and made that party's victory of 1894 possible. The Utah Democrats entered the Utah election quite confident because of several reasons: the Fifty-third Congress had been Democratic, and had restored nearly half a million dollars worth of personal property of the church; the enabling act for Utah had been introduced by a Democratic delegate from

1 Idem.

2 Brigham H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, (Salt Lake City, Utah: Deseret News Press, 1930), VI, 316.
Utah; it was passed by a Democratic house and Democratic senate; it had been approved by a Democratic president, and if Utah was to be admitted under the enabling act after her constitution was form, it would be by the proclamation of a Democratic President. In addition to these considerations it had been the declared policy of the Republican party to destroy the plural marriage system sanctioned by the Mormon church, and pursuit of that purpose had led to the enactment of all legislation inimical to the Mormon citizens of Utah. One would naturally assume that the tendency of this course on the part of the Republican party would quite naturally incline the members of the church to the Democratic party.

All of the conditions to assure a Democratic victory in Mormon Utah were there. The real ideas and attitudes of the citizens, however, were unknown until they expressed themselves at the polls. It was feared in some quarters that the result of the 1894 election in Utah might be so disappointing to the Democratic Congress and the administration that it would endanger statehood. There was still a five month session to complete in the Fifty-third Congress, and it was feared by many that steps would be taken during that time by the Democratic Congress and administration to repeal the action already taken toward granting Utah her statehood. Accordingly, a number of influential Utah Democrats, headed by John T. Caine and Governor Caleb

---

1 The senate during the first session of the 53rd Congress stood 44 Democrats, 38 Republicans; 3 Populists; and 3 vacancies. In the 2nd session the number of Democrats remained the same; the Republicans lost two, and the Populists gained two. The vacancies remained the same. The House of the 53rd Congress was heavily Democratic: 219 Democrats; 127 Republicans; Populists, 10. (See New York World Almanac, compilation of senate statistics, 1894, 363; and 1895, 373.
West, went to Washington to inquire as to the likelihood of unfriendly action by the Democrats. They were assured, however, that, though the Democrats were disappointed in the outcome of the Utah election, the territory had all the qualifications for statehood and was entitled to be admitted into the Union irrespective of politics.¹

Cannon in Congress, 1895. Cannon's career as Utah's territorial delegate to Congress was to be short lived. His labors in Washington were primarily confined to work in the committees, bringing to a close the many details that were to lead to the admission of Utah. He continually championed the cause of Utah and boasted that the territory was over-due for statehood. It was his belief that when Utah finally became a state a great impetus would be given to the state's industries. This growth, according to the convictions of Cannon, would be a healthy, normal advancement, and would result in great industrial good to the new state. He boasted of a population of 300,000, and that they were able to take care of over a million people.²

There was little for the Utah delegate to do in Congress until toward the end of 1895 when he introduced a resolution and a bill to aid his constituency. On December 9, 1895, he introduced a bill providing for the purchase of sites and the erection of public buildings at Salt Lake City and Ogden.³ The proposal was referred to the Committee on Public Buildings and Grounds and was never acted upon until after Utah had officially become a state.

The resolution that the Utah delegate presented requested that

¹Roberts, op. cit., VI, 322.
²"Journal History," entry for April 25, 1895.
³Congressional Record, 54th Congress, 1st Session, 97.
the governor and secretary of the territory of Utah be authorized and
directed, by the issuance of the Executive proclamation declaring Utah
a state, to deliver to the governor and secretary of the State of Utah,
for the use and benefit of the state, the safes, desks, and all
furniture and fixtures of their respective offices.\textsuperscript{1} Cannon reminded
Congress that the property enumerated in the resolution was needed by
the state and that the enabling act had not made provision for their
transfer. The resolution was passed without any consequential debate.

Cannon elected Senator of Utah, 1895. When the way was cleared
for Utah to become a state the office of territorial delegate was
automatically liquidated. Before he was elected in 1894 Cannon knew
his term of office would be cut short. There was a great advantage in
being elected delegate at that time, however, in that it would almost
lead directly to a position in the Senate. This was the idea and
plan pursued by Cannon.

The first election in Utah under statehood took place in late
1895. Heber M. Wells was elected governor. Mr. C. E. Allen, a
non-Mormon, was elected to Congress; the legislature, under agreement
in the Republican caucus, elected Frank J. Cannon and Arthur Brown, a
non-Mormon lawyer, as senators.

On January 21, 1896, the State Legislative Assembly formally
elected Cannon and Brown United States Senators. The vote stood:
in the House, Cannon 31; Brown 29; C. W. Bennett 1; C. C. Goodwin 1;
Senate, Cannon 12, Brown 12. These were all Republican votes. The
Democrats cast 14 votes in the House and five in the Senate for Moses
Thatcher and Joseph L. Rawlins.\textsuperscript{2}

\textsuperscript{1}Ibid., 327-28.

\textsuperscript{2}"Journal History," January 21, 1896.
Senator Cannon immediately entered upon his duties at the seat of government. He retired from the senate in 1897 and after two years of running on an independent political ticket for local offices formally entered the Democratic party in 1900, where he labored as state chairman of that party.

It was the general consensus of the public opinion polls of the time, that Cannon had failed to perform his senatorial duties in a satisfactory way. The church denounced the Senator because of his role in a bitter anti-Mormon crusade in municipal affairs of Salt Lake City. His activities led to the creation of the American Party, a rejuvenated faction of the old Liberal party, in 1904.\(^1\) Cannon was placed in editorial charge of the *Salt Lake Tribune*, which, because of its prestige already acquired as the most commanding and powerful newspaper of the intermountain west, was capable of influencing and molding the public opinion as to things anti-Mormon. He was finally excommunicated from the Mormon church in 1905.

\(^1\)Roberts, *op. cit.*, 408.
The territories of the United States have always played a major role in the American system of government. The principal framework for a territorial form of government was provided for in an organic act, in which Congress outlined briefly the structure and functions of the executive, legislative, and judicial departments of government.

Under the Organic Act of 1850, creating the Territory of Utah, the people of Utah were entitled to elect a delegate to Congress to represent their interests in that national body. Like other territorial delegates, he was to be a voteless agent, but was granted the right of debate and discussion, and enjoyed the privilege of introducing bills, memorials, and resolutions in the House of Representatives.

To the Utah citizens, this post of delegate was of importance. He was one of the principal liaisons between the national government and the Utah government. He represented Utah's interests in Congress and made repeated attempts to bring about favorable national action in behalf of his constituency.

The historical significance of Utah's delegates has yet to be fully recognized and appreciated. These men seem to have been somewhat overshadowed by the issues of the period. Nevertheless, they are best remembered for their service to Utah during the most controversial period of her past.

It was not until after 1863 that the Utah delegate began to fully exercise what rights he did have and openly participate in the debates and discussions on the floor. Even then, his real influence in the House
of Representatives was the influence of a lobbyist or member of a committee. Seldom was he able to substantially influence opinion or abate prejudices on the floor of the House.

The relationship of church and state in Utah was quite obvious. A theocracy existed in Utah during the early territorial period. It was natural that the pioneer settlers, who comprised one religious unit, should establish an ecclesiastical form of government. It was to this government, the only one in the region, that the Mormon settlers looked for advice and the maintenance of law and order. Theoretically, there was a separation of church and state, but in reality the church dominated the secular life of the territory. This form of political thought and practice offended the Gentile residents and they insisted that a union of church and state did exist. This accusation was often denied by the Mormons and the First Presidency contended that they were not in favor of preaching politics from the pulpit or in trying to exercise any influence upon their followers.

In spite of all the efforts to prove that the church did not dominate Utah politics during this period of time, it is quite obvious that it did wield great influence, especially in the field of the territorial delegates. The early years of the delegateship were quite naturally dominated by church influence. The Gentile faction was not yet large enough to cause any organized opposition. Once a candidate had been endorsed by the church leaders, the voters supported this endorsement by casting their ballot for him. This same type of influence carried through, in a proportionately decreasing way, to the end of Utah's territorial period.

It would be expected that the church would tend to influence political policies of the territory. Most of the delegates were in more continuous
contact with church leaders than with territorial officials. They were seeking the advice of these leaders on matters that concerned the Mormons more directly than the Utah citizenry as such. Polygamy was a major problem that had to be battled by the delegate, and his best advice and ideas could come primarily from the Mormon leaders. On repeated occasions the national congressmen admitted the propriety of having a Mormon, rather than a non-Mormon, as Utah's delegate for the very reason that a member of the predominant religion could better explain and represent the complex Utah situation.

The Council of Fifty was the primary governing body of Utah during her early years as a territory. This Council was the legislative department of the Mormon Kingdom of God on earth. Its members were influential men in both church and state, and, as we have seen in Chapter I, all of the Utah delegates (except Joseph L. Rawlins and Frank J. Cannon) were members.

Of all the church presidents during this period of time, Brigham Young was more apt to actively influence the delegate than any other. He proved himself to be their accepted and respected leader, and this love and respect were transferred to matters other than those directly concerning the church.

There was a profound interest in the elections of the delegate in Utah. There were often battles between the non-Mormons and Mormons. Each had their own political party after 1870, and each, in most elections, fielded their own candidate.

The Gentile faction offered the much needed competition that would have otherwise been lacking in Utah for many years had it not been for the non-Mormon residents of the territory. This competition, though the outcome of any election contest during this period of time was
never in doubt, served as a stimulant to both the voters and the candidates. Only after 1890, with the formal organization of Utah along national political lines, were the votes rather equally distributed. Until this time the Gentiles were forced to place their only hopes of victory on contesting the election in Washington.

The Mormon church officials named the People's Party candidate. His name was placed on a single party ballot and the voting public simply affirmed the choice. This system of extensive church influence dominated until the election of 1892 when the two candidates met for the first time aligned along national party lines.

Each Utah delegate was both capable and willing to do his part in furthering the cause of Utah. The delegate, as such, held few powers and privileges that would enable him to gain a position in Congress of any real influence. What prestige he did gain had to be the result of his own individual effort and initiative.

Probably the most important contribution of the delegate was the simple fact that he was representing his home territory in the national Congress. The American system of government has been established upon a foundation of representation, and all citizens have insisted that this right be extended to their own state and/or territory. Though the delegate was extremely limited in his rights, he functioned as a representative and helped to assure his constituents that they were being represented in Congress in the best way possible under the existing circumstances.

The Utah territorial legislature was ambitious in sending numerous memorials to their delegate in Washington with instructions to present them to Congress. Over the forty-five year span that Utah was a territory Congress considered many legislative efforts and on several
occasions granted passage. This study has explored the major efforts on the part of the delegates to get legislation passed in Congress that would be beneficial to Utah.

There is no evidence to indicate that the Utah delegates were successful in cancelling, or even postponing, major anti-Mormon legislative efforts in Congress. Most of their successes were found in their efforts to have granted to Utah small appropriations for expenses, Indian depredations, and general improvements of the territory.

In Utah the Mormons consistently felt they were being misunderstood by the majority of the nation. To them, one of the more able methods of getting the true picture of the Utah situation to the nation was through their delegate in Congress. They entrusted him with the duty of doing all that was possible to refute allegations against the Mormons and to attempt to persuade congressmen to look upon Utah with more favor.

At the time that the federal government was attempting to deprive the Utahns of their political rights, the inhabitants of the territory were striving to achieve statehood. Each delegate shared in this work to aid the people in the attainment of this goal by making at least one effort during his time in office to obtain statehood for Utah. All should be recognized for their contributions in this achievement.

The Utah delegates enjoyed a close relationship with the national Executive. Letters passed between the president and the Utah delegate, abundant evidence indicates several interviews between the two and point up that the Utah delegate was consulted on many matters concerning his territory.

The relationship between the delegate and Utah territorial officials was, at times, not so compatible. In many cases, where the
officials were federally appointed Gentiles, opinions and ideals often conflicted. This resulted in occasional misunderstandings. As long as the territorial officials were either Mormons or Gentiles who were Mormon sympathizers a harmonious atmosphere existed. The delegates contacted the territorial officials on only rare occasions.

Inasmuch as many of the delegates were active church members, they spent much of their time in Salt Lake City. The Gentiles often complained that the delegate was in Utah attending to church and personal business when he should have been in Washington looking after the welfare of the territory. Evidence indicates that the delegate returned to Salt Lake City quite often, even though it took a considerable amount of time.

There were times that a portion of the Utah citizenry was genuinely dissatisfied with the kind of representation they were getting by their delegate. Party whims were sometimes elaborated and exploited, and the Gentile faction continually complained, not so much about the delegate and his actions as such, but, rather, about the fact that the Mormon church continued to dictate political policy.

Utah was generally well represented in Congress during the territorial period. It is only natural, however, that some would stand above others in genuine influence and accomplishment. John M. Bernhisel, though fully capable and intelligent, chose to remain comparatively silent in Congress and avoid agitation on the floor. He had been helpful in obtaining a territorial form of government for Utah, but further significant contributions were not realized.

William H. Hooper was a capable businessman. He filled his congressional position in a business-like manner and wielded greater active influence than Bernhisel. He actively took part in the debates
in the House and was recognized as an able orator.

George Q. Cannon was, without doubt, the best known delegate from Utah. The fact that he was a polygamist made him a target during his entire congressional career. Many of his ten years in Congress were spent in efforts to officially have granted to him a seat in that national body. He was willing and able, but his personal issues overshadowed his efforts and accomplishments in Congress.

This study would indicate that John T. Caine enjoyed more influence in Congress than any other Utah delegate. The issues of the time were difficult and demanded much time and effort, but Caine was able to meet most of them with adequate ability. He acted on the advice of the church leaders, but was also enough of an individual to arrive at his own patterns of action and conclusions.

The other three delegates (John F. Kinney, Joseph L. Rawlins, and Frank J. Cannon) were in office for short terms; consequently, they were not allowed the time to fully use any influence they might have been capable of building.

It would be safe to assume that the primary interest of each Utah delegate in seeking and holding the office was one of unselfish desire to do all he could to better the general cause of Utah. Each performed his duties and obligations seriously and to the best of his ability and was recognized on a level equal with other territorial delegates of the time.
BIBLIOGRAPHY
BIBLIOGRAPHY

Primary Sources

Journal History of the Church. (This is a day by day compilation of important events in the church from 1830 to date. These materials are excerpts from the Manuscript History of Brigham Young, newspaper clippings, letters, talks, reports, diaries, minutes of meetings, telegrams, etc. They are compiled in scrap book form and the volumes vary from one to several per year.)

Federal Documents


U. S. Congressional Record. 43rd-54th Congress. Washington, D.C., 1873-1896.


U. S. Statutes at Large. 32nd-54th Congresses. Washington, 1851-1896.

U. S. Messages and Papers of the Presidents, V-XXV. Compiled by James Daniel Richardson.
U.S. Congress, House of Representatives, House Executive Documents, 32nd Congress, 1st Session, No. 25, serial 638.

U.S. Congress, House of Representatives, House Executive Documents, 33rd Congress, 1st Session, No. 18, serial 717.


U.S. Congress, Senate, Senate Executive Documents, 36th Congress, 1st Session, No. 2, serial 1024.


U.S. Congress, House of Representatives, House Miscellaneous Documents, 39th Congress, 2nd Session, No. 27, serial 1302.


U.S. Congress, House of Representatives, House Miscellaneous Documents, 42nd Congress, 1st Session, No. 47, serial 1473.

U.S. Congress, House of Representatives, House Miscellaneous Documents, 43rd Congress, 1st Session, No. 49, serial 1617.


U.S. Congress, House of Representatives, House Miscellaneous Documents, 47th Congress, 1st Session, No. 25, serial 2042.

U.S. Congress, House of Representatives, House Reports, 47th Congress, 1st Session, No. 1411, serial 2069.


U.S. Congress, House of Representatives, House Reports, 52nd Congress, 1st Session, No. 943, serial 3044.


U.S. Congress, Senate, Senate Reports, 53rd Congress, 2nd Session, No. 414, serial 3183.

Territorial Documents

Acts, Resolutions and Memorials. Passed at the several annual sessions of the Legislative Assembly of the Territory of Utah from 1851 to 1896. Salt Lake City, 1851, 1855, 1861, 1866, 1870, 1874, 1878, 1881, 1886, 1891, 1896.

Alfred Cumming Papers, 1857-61. These have been taken from a collection in the Duke University Library. (These are on microfilm in the Utah State University Library.)

Executive Record 1852-1895, Book A, B, C, D, MS. Utah State Historical Society, Division of Archives, Salt Lake City.

Utah Territorial Executive Documents, MS, 1850-1895. Utah State Historical Society, Division of Archives, Salt Lake City.

Articles and Periodicals


Utah Pamphlets, 23 vols., Utah Room, University of Utah Library, Salt Lake City, Utah.

**Newspapers**

*Deseret News*, Salt Lake City, Utah, 1850-1896.


*Salt Lake Tribune*, Salt Lake City, Utah, 1870-1896.

**Contemporary Works**


**Books**


Unpublished Theses and Dissertations


Other Unpublished Materials

"Declaration of Grievances and Protest." (MS located at the Church Historian's Office, Salt Lake City, Utah.)


Speech delivered by John T. Caine on Senate Bill No. 356. (MS located at the Utah State Historical Society.)

Speech delivered by John T. Caine on Senate Bill No. 3823. (MS located at the Utah State Historical Society.)

Letters


Letter from John M. Bernhisel to F. D. Richards, August 8, 1854. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from John M. Bernhisel to Brigham Young, September 12, 1850. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from Brigham Young to John M. Bernhisel, November 30, 1852. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from William H. Hooper to Brigham Young, April 26, 1861. (MS located in the Church Historian's Office, Salt Lake City.)

Letter from Brigham Young to William H. Hooper, June 16, 1866, (MS located in the Church Historian's Office, Salt Lake City.)

Letter from George Q. Cannon to R. T. Burton, chairman of the People's party central committee, October 9, 1880. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from A. B. Carlton to John T. Caine, November 12, 1889. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from A. W. Ivins to John T. Caine, December 20, 1890. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from Charles C. Richards to John T. Caine, May 20, 1892. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from E. L. Simmons to John T. Caine, May 16, 1890. (MS located at the Church Historian's Office, Salt Lake City.)
Letter from George F. Edmunds to E. B. Taylor, undated. (MS located at Utah State Historical Society, Salt Lake City.)

Letter from John T. Caine to D. E. Harris, December 23, 1888. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from John T. Caine to R. S. Richards, December 21, 1891. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from John T. Caine to Fred Tremmer, April 14, 1892. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from John T. Caine to George C. Lambert, June 20, 1884. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from John T. Caine to Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, January 7, 1888, January 24, 1889, June 17, 1890. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from Joseph L. Rawlins to John T. Caine, August 18, 1893. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from S. A. Merritt to John T. Caine, December 29, 1891. (MS located at the Church Historian's Office, Salt Lake City.)

Letter from Thomas G. Webber to John T. Caine, May 19, 1890. (MS located at the Church Historian's Office, Salt Lake City.)
APPENDIX A

ANTI-BIGAMY LAW OF 1862

(Excerpts from "An Act to Punish 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." July, 1862.)
Be it enacted, etc.:

That every person having a husband or wife living, who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in the cases specified in the proviso to this section, be adjudged guilty of bigamy, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, and by imprisonment for a term not exceeding five years... .

And be it further enacted:

SEC. 2. That the following ordinance of the provisional government of the State of Deseret, so called, namely: "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints, passed February eight, in the year eighteen hundred and fifty-one, and adopted, re-enacted, and made valid by the Governor and Legislative Assembly of the Territory of Utah, ... and all other acts and parts of acts heretofore passed by the said Legislative Assembly of the Territory of Utah, which establish, support, maintain, shield, or countenance polygamy, be, and the same hereby are, disapproved and annulled: ... .

And be it further enacted:

SEC. 3. That it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the territorial government of a greater value than fifty thousand dollars; and all real estate acquired or held by any such corporation or association contrary to the provisions of this act shall be forfeited and escheat to the United States ... .
APPENDIX B

A PLEA FOR RELIGIOUS LIBERTY

(Excerpts from a Speech by William H. Hooper, of Utah, Against the Cullom Bill, in the House of Representatives, March 22 and 23, 1870.)
Mr. Speaker, I wish to make a few remarks concerning the extraordinary bill now under consideration. While so doing, I crave the attention of the House, for I am here, not alone as one of the people sought to be cruelly oppressed: not only as the delegate representing Utah; but as an American citizen, to utter my solemn protest against the passage of a bill that aims to violate our dearest rights and is fraught with evil to the Republic itself.

I do not propose to occupy the time of the House by dwelling at length upon the vast contributions of the people of Utah to the wealth of the nation. There is no member in the House who does not recollect in his schoolboy days the vast region of the Rocky Mountains characterized in the geographies as the "Great American Desert." . . . Around the borders of the vast desert, and in its few habitable parts, roamed the painted savages, only less cruel and remorseless that the desert itself.

In the midst of this inhospitable waste today dwell an agricultural, pastoral, and self-sustaining people, numbering 120,000 souls; Everywhere can be seen the fruits of energetic and persistent industry . . . .

For the first time in the history of the United States, by the introduction of the bill under consideration, a well defined and positive effort is made to turn the great law-making power of the nation into a moral channel and to legislate for the consciences of the people.

Here, for the first time, is a proposition to punish a citizen for his religious belief and unbelief . . . .

The bill before us declares that the system which Moses taught, that God allowed, and from which Christ, our Savior, sprung, is a crime, and that any man believing in it and practicing it . . . that any so offending shall not be tired, but shall be convicted, his children declared bastards, his wives turned out to starve, and his property be confiscated, in fact, for the benefit of the moral reformers, who, as I believe, are the real instigators in this matter.

The honorable member from Illinois, the father of this bill, informs us that this is a crime abhorred by men, denounced by God, and prohibited and punished by every State in the Union . . . .

While I have . . . profound regard for the morals and motives of the honorable member, I must say that I do not respect, to the same extent, his legal abilities. Polygamy is not denounced by every State and Territory, and the gentleman will search in vain for the statute or criminal code of either defining its existence and punishment. The Gentleman confounds a religious belief with a criminal act. He is thinking of bigamy when he denounces polygamy, and in the confusion that follows, blindly strikes out against an unknown enemy . . . .

. . . No government has been found strong enough to stand unsaken above the throes of religious fanaticism when driven to the wall by religious persecution. Ours, sir, would disappear like the "baseless fabric of a vision" before the first blast of such a convulsion. Does the gentleman believe, for example, that in aiming this cruel blow at a handful of earnest followers of the Lord in Utah, he is doing a more justifiable act than would be, in the eyes of a majority of our citizens, a bill to abolish Catholicism, because of its alleged immorality; or a law to annihilate the Jews for that they are Jews, and therefore obnoxious? Let that evil door once be opened; set sect
against sect; let the Bible and the school books give place to the sword and the bayonet, and we will find the humanity of today the humanity of the dark ages, and our beautiful government a mournful dream of the past.

This is not only philosophically true, but, sir, it is historically a fact. In making the appeal, I stand upon the very foundation-stone of our constitutional Government. That they might worship God in accordance with the dictates of conscience, the fathers fled from their homes in Europe to the wilds of America. For this they bore the fatigues or perished in the wilds of a savage-haunted continent; for this they poured out their blood in wars, until every stone in the huge edifice that shelters us as a nation is cemented by the blood of a martyr. In our Constitution, still perfect and fresh as ever, we have a clause that cannot be changed and leave a vestige of a free government. In the original instrument we find this language: "No religious tests shall ever be required as a qualification to any office or public trust under the United States..

Upon the very threshold of my argument, however, I am met by the advocates of this extraordinary bill with the assumption that polygamy is not entitled to be considered as a portion of our religious faith; that under the Constitutions we are to be protected and respected in the enjoyment of our religious faith, but that we are not entitled to consider as a portion thereof the views held by us as a people in reference to the marriage relation. One eminent disputant, as an argument, supposes a case where a religious sect might claim to believe in the rightfulness of murder, and to be protected in the enjoyment of that right. This is not in any sense a parallel case. Murder by all law, human and divine, is a crime; polygamy is not. In a subsequent portion of my remarks, I will show, that not only the authority of the Old Testament writers, but by numerous leading writers of the Christian church, the doctrine of polygamy is justified and approved. The only ground upon which any argument can be maintained that our views of the marriage relation are not to be considered as a portion of our religious faith, is that marriage is a purely civil contract, and therefore outside the province of religious doctrine. No sect of Christians can, however, be found who will carry their beliefs to this extent..

The Mormon people are a Christian denomination. They believe fully in the Old and New Testaments, in the divinity of Christ's mission, and the upbuilding and triumph of His church. They do not believe, however, that light and guidance from above ceased with the crucifixion on Calvary. On the other hand, they find that in all ages, whenever a necessity therefore existed, God has raised up prophets to speak to the people, and to manifest to them His will and requirements. And they believe that Joseph Smith was such a prophet; that the time had arrived when there was a necessity for further revelation, and through Joseph Smith it was given to the world.

Upon this point of continuous revelation, which is really one of the turning points of the controversy, we are in accord with many of the most eminent divines of the Christian church, and with the most earnest and vigorous thinkers of our own day.

Conceding, therefore, that new revelation may be at all times expected in the future of our race, as they have been at all times
vouchsafed in the past, and the whole controversy ends. A man has risen named Joseph Smith, he claims to be a prophet of God, and a numerous community see fit to admit the justice of such claim. It is a religious sect; it has today vindicated its right to live by works and sacrifices which are the admiration even of its enemies. It brings forward certain new doctrines; of church government; of baptism even for their dead; of the marriage relation. Upon what point is it more probable that light from above would be given to our race, than upon the marriage relation?

Upon the point whether polygamy can properly be considered as part of our religious faith and practice, I beg leave humbly further to submit, sir, that the decision rests solely on the conscience and belief of the man and woman who proclaim it to be a religious belief. As I have said, it is not numbered among the crimes of that code recognized by all nations having any form of government under which criminals are restrained or punished, and to make it such, a new code must be framed. My people proclaim polygamy as a part of their religious belief. If they are honest in this, however much this may be in error, they stand on their rights under the Constitution, and to arrest that error you must appeal to reason, and not to force. I am here, not to argue or demonstrate the truthfulness of their faith; I am not called upon to convince this honorable House that it is either true or false; but if I can convince you that this belief is honorably and sincerely entertained, by object is accomplished.

It is common to teach, and thousands believe that the leaders of sect of Latter-day Saints, popularly known as Mormons, are hypocrites, while their followers are either ignorant, deluded men and women, or people held to their organization by the vilest impulses of lust. To refute these slanders, I can only do as the earlier Christians did, point to their sufferings and sacrifices, and I may add, the unanimous testimony of all, that aside from what they consider the objectionable practice of polygamy, my constituents are sober, moral, just, and industrious in the eyes of all impartial witnesses. In this community, removed by long reaches of wastes from the moral influences of civilization, we have a quiet, orderly and Christian community. Our towns are without gambling halls, drinking saloons or brothels, while from end to end of our Territory the innocent can walk unharmed at all hours. Nor is this due to an organized police, but to the kind natures and Christian impulses of a good people. In support of my argument of their entire sincerity, I with confidence appeal to their history.

... With great difference ... I venture to suggest to the supporters of this bill, that while polygamy had its origin in holy writ, taught as I have said before by the greatest of all law-makers, and not only tolerated, but explicitly commanded by the Almighty, as I shall presently show, monogamy, or the system of marriage now recognized by so many Christian nations, originated among the Pagans of ancient Greece and Rome.

... I trust, Mr. Speaker, that I have not wearied your patience by this citation of learned authorities upon the antiquity and universality of the polygamic doctrine. My object in this part of my argument is not to prove that polygamy is right or wrong, but simply to illustrate that a doctrine, the practice of which has repeatedly been commanded by the Almighty; which was the rule of life with the Jews at the time
they were the chosen people of God, and were, in all things, governed by His dictation; which has among its supporters many of the most eminent writers of the Christian church of all ages, and which is now sanctioned by law and usage in many of the Christianized provinces of the British Empire, is not wrong in itself. It is a doctrine, the practice of which, from the precedents cited, is clearly not inconsistent with the highest purity of character, and the most exemplary Christian life. My opponents may argue that it is unsuited to the civilization of the age, or is the offspring of a religious delusion; but if so, its remedy is to be sought through persuasion, and not by the exercise of force; it is the field for the missionary and not for the jurist or soldier ... .

To see what a fearful blow this is at the very foundation of our liberties; what a disastrous precedent for future tyranny, let us recall for a moment the history of the trial by jury; something with which all are as familiar as with the decalogue, but which, like the ten commandments, may occasionally be recalled with profit ... .

Now, sir, is there any member of this House who will claim or pretend that the provisions of this bill are not in violation of this most sacred feature in our bill of rights? The trial by jury by this bill is worse than abolished, for its form ... remains, while its spirit is utterly gone. A packed jury is worse than no jury at all ... . I have an earnest and abiding faith in the bright future of my native land; but if our national career, as we may fondly hope, shall stretch out before us unending glories, it will be because of the prompt and decisive rebuke, by the representatives of the people here, of all such legislation as that sought in the bill before us.

Can it be possible that the national Congress will even for a moment, seriously contemplate the persecution or annihilation of an integral portion of our citizens, whose industry and material development are the nation's pride, because of a slight difference in their religious faith? A difference, too, not upon the fundamental truths of our common Christianity, but because of their conscientious adherence to what was once no impropriety even, but a virtue? This toleration in matters of religion, which is perhaps the most conspicuous feature of our civilization, arises not from any indifference to the sacred truths of Christianity, but from an abiding faith in their impregnability—a national conviction that truth is mighty and will prevail ... .

I have the honor of representing here a constituency probably the most vigorously lied about of any people in the nation. I should insult the good sense of this House and of the American people did I stoop to a refutation of the countless falsehoods which have been circulated for years in reference to the people of Utah. These falsehoods have a common origin—a desire to plunder the treasury of the nation ... . Since the railroad was completed, many of the American people have looked for themselves. They see in Utah the most peaceful and persistently industrious people on the continent. They judge the tree by its fruits. They read that a community given up to lust does not build factories and fill up the land with thrifty farms. That a nation of thieves and murderers do not live without intoxicating liquors, and become famous for the products of their dairies, orchards and gardens. A corrupt tree bringeth not forth the fruits of temperance,
Christianity, industry and order.

Mr. Speaker, those who have been so kind and indulgent as to follow me thus far will have observed that I have aimed, as best I might, to show—

1. That under our Constitution we are entitled to be protected in the full and free enjoyment of our religious faith.

2. That our views of the marriage relation are an essential portion of our religious faith.

3. That in considering the cognizance of the marriage relation as within the province of church regulations, we are practically in accord with all other Christian denominations.

4. That in our views of the marriage relation as a part of our religious belief, we are entitled to immunity from persecution under the Constitution if such views are sincerely held; that if such views are erroneous, their eradication must be by argument and not by force.

5. That of our sincerity we have both by words, and works, and sufferings, given for nearly forty years abundant proof.

6. That the bill, in practically abolishing trial by jury, as well as in many other respects, is unconstitutional, uncalled for, and in direct opposition to the toleration in religious belief which is characteristic of the nation and the age.

It is not permitted, Mr. Speaker, that any one man should sit as the judge of another as regards his religious belief. This is a matter which rests solely between each individual and his God. The responsibility cannot be shifted or divided. It is a matter outside the domain of legislative action. The world is full of religious error and delusion, but its eradication is the work of the moralist and not of the legislator. Our Constitution throws over all sincere worshippers, at whatever shrine, its guarantee of absolute protection. The moment we assume to judge of the truthfulness or error of any creed, the constitutional guarantee is a mockery and a sham.

_Congressional Globe, 41st Congress, 2nd Session, Appendix, 173-179._
APPENDIX C
EDMUNDS BILL, 1882
(Excerpts from the Edmunds Bill of 1882.)
Be it enacted, etc.;

SEC. 1. That section fifth-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 ...

SEC. 3. That is 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 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.

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, 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 ...

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 or be entitled to hold any office or place of public trust, honor, or emolument, under, or for any such Territory or place, or under the United States.

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 ... 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 ... .
APPENDIX D

(Excerpts from the speech delivered to the House of Representatives by George Q. Cannon on his retirement from Congress after the passage of the Edmunds Bill, April 19, 1882.)
On the 2d day of November, 1880, in a convention of delegates from all parts of the Territory of Utah, I received, on my part, the unanimous nomination for delegate to this House. Notwithstanding all that has been said about church and state, I assert here that there is no place in the United States where there is greater freedom and greater liberty for the expression of opinions by the people respecting the men whom they wish to serve them, than there is in the organizations...

All the forms of the political procedure prevail in Utah as in other Territories and in the States. The people hold their primary meetings, elect delegates, and those delegates meet in convention, sometimes instructed whom they are to vote for and sometimes not, and every delegate has the right to express his views in favor of or against any candidate, and to vote for whom he pleases, and as the secret ballot prevails in Utah there can possibly be no interference on the part of anyone to prevent citizens from expressing their unbiased choice for any candidate. It was a convention of this kind, composed of delegates from all parts of the Territory, which nominated me as Delegate to Congress. I had given my friends to understand that I was not a candidate, and done so upon every previous occasion when I had been nominated; for you know, gentlemen, the position I have occupied here now for nine years is one which no one capable of filling the place would desire to occupy. It is not pleasant to be made a target for every man who wishes to gain credit for his morality to aim arrows at. In coming here, however, I have been sustained by the consciousness that I was at a post of duty where it was necessary for some one to represent the people and that I had the sole support of my constituents. It was the unanimous feeling of the delegates coming from all parts of the Territory that I should be nominated, and I received their unanimous vote...

But the governor of Utah Territory, having an idea that he had the opportunity to gain fame and make himself popular, entered, as I have full reason to believe, into a conspiracy with others to precipitate upon the country this question for the agitation of which a favorable opportunity had been long sought, to furnish some excuse for nullifying the election, and, either making the seat of the delegate vacant, or have a man occupy it whom the people had refused to elect...

Mr. Speaker, it is now clear, that if I had my rights I should have come here by law with a certificate from the Territory of Utah under the seal of the Territory, signed by the Governor and countersigned by the Secretary of the Territory. That would have been my position if I had not been defrauded of my rights. I say "defrauded:" it is not too strong a term. I was defrauded of my rights and thus prevented from taking my seat on this floor; and the country has been inundated with falsehood since the election eighteen months ago to make the public believe that I was not eligible to a seat. I have been held in that position until within a few weeks a law of Congress has been passed which now disqualifies me in the opinion of many gentleman on the other side who previously favored my case and said that I could not be kept out of my seat on account of any alleged disqualification arising out of my marital relations. I have been held in this position, bound hand and foot, until the passage of this act, and now it is proposed to make this law operative against me to expel me literally
from the House, not by a two-thirds vote, but by a majority vote.

If any gentlemen feel that they can vote thus to exclude me, and thus be justified because of the clamor that is raised about Utah, and the people of Utah, and the religion of the people of Utah, I do not envy their feelings, but from the bottom of my heart I pity them. Of course every man must be responsible to himself and his constituency and his God for whatever vote he may cast. I do not question the right of any man to vote as he thinks best. I do not quarrel with any man on that account. His is the responsibility. I do not do so now; but I say it is a great wrong to thus act. Whatever may be said about my constituents or myself does not justify the violation of the Constitution and the laws in my case.

... It may be plural marriage to-day; it may be something else tomorrow, or some offense, real or imaginary, the next day; it may be the Mormon to-day, the man who believes in marriage, and it may be to-morrow the Shaker, the man who does not believe in marriage. It may be the Catholic the next day, and so on to suit the ever-varying whim of popular caprice, if Congress can prescribe new regulations for the Delegates from the Territories. Such will be the inevitable condition if the conclusions adopted by the majority of this committee shall prevail.

It has been stated that I represent a church; that I am the ambassador of a church. Mr. Speaker, I represent the people of Utah Territory. I represent no church, and yet I represent every church that exists in that Territory. I am not here as an ambassador from any church. I am here because the voice of the legally qualified people of Utah Territory have chosen me to represent them here ...

... Why should I stand here and be assailed, abused, and denounced as I have been for lechery, because of marrying wives. Was it necessary that wives should be taken to gratify sensuality? I have no need to take any wife to accomplish that. I have no need to take to myself the burden and responsibility of a family for that purpose ...

Mr. Speaker, the people of Utah have profound convictions concerning many things. They have left their homes more than once for the sake of religion, and have been forced to make themselves new homes in a distant land. Marriage is an institution concerning which they have strong convictions. It may be said that this is not religion; but whether it is or not, they believe it to be religion ...

... The people of Utah do not believe that plural marriage ought to be or can be universal. In Utah itself it is not possible, for the males outnumber the females. But give every woman the opportunity to marry, punish fornication and adultery, and what woman would occupy an illicit relation with the other sex? The people of Utah believe marriage at the present time is falling into desuetude, and in consequence corruption is spreading over the land, and we have felt that the country was big enough to allow us in that far-off Utah, not interfering with others, not forcing our views upon others, to test the effect of the patriarchal system of marriage in checking the tide of vice and preventing the spread of evils which modern society acknowledges its powerlessness to extirpate.

Let this seat of the Delegate from Utah be declared vacant, and
you say to every Governor in the United States who acts as a ministerial officer, in declaring the results of elections, "You can give certificates to men not elected with impunity if we are in power, as was done in the Utah case, and no one will call you in question." And the returning board which goes to Utah Territory under the law just passed, if not superior men, will feel emboldened to do the same thing with every man who may be elected under that law, and who may be displeasing to a majority of the board. They may assume the same, and say to the man, "You have received the votes, but we question your right, your eligibility, and we refuse to give you the certificate." Gentlemen can you see what the effect will be?

... Mr. Speaker, I find myself in this position: I am here as the delegate from Utah Territory, regularly elected, properly qualified, fully entitled to the seat. My constituents, as well as myself, believed at the time of my election that there was no barrier to prevent me from taking my seat. Nothing has occurred since my election to interpose any such barrier. All these charges which are made against my constituency, which I have not time to allude to in detail or to disprove, but which I do state are false, all these charges were in existence years and years ago. They were in existence in the Forty-sixth Congress, in the Forty-fifth, in the Forty-fourth, in the Forty-third Congress. I have sat here during those Congresses. My right to my seat has been fully vindicated by the House. I came here under precisely the same circumstances then that I come now. But it is now said that a law of Congress has been enacted which prevents me from taking my seat; that by the operation of this law I am excluded, and the seat is to be declared vacant. If this proposed resolution be sustained, then I say fraud will be supplemented by this method of strangling, of murdering the representation of the Territory of Utah on this floor.

If the report of the majority of this committee shall be sustained, I shall leave this Hall of Representatives with a feeling and a conscience which will give me far more satisfaction in the days to come than if I were a member of this House and voted in favor of the adoption of the report of the majority declaring this seat vacant. I am a resident of Utah Territory, and one of those people who are everywhere spoken against, and against whom many vile charges are made, as were made against their predecessors, the Church of Christ, in the early days, and as Jesus predicted would be the case; yet I do respect my oath, and I pity any gentleman who, with nothing to sustain him but popular sentiment, is willing to trample upon the Constitution and the law, and to strike down a people against whom popular sentiment in strong.
APPENDIX E

EDMUNDS-TUCKER BILL, 1887

(Excerpts from the Edmunds-Tucker Bill, 1887.)
Be it enacted, etc.:

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 ...

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 ...

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 when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

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.

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 a fine not exceeding one hundred dollars.

SEC. 6. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecution for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled ...

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.

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 ...

SEC. 9. That every ceremony of marriage ... 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 ... .

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.

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 ... .

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 ... are hereby disapproved and annulled ...

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 ... 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 ...

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 Emigration Fund Company are hereby disapproved and annulled ... .

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.

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 ...

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 ...

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 ...

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 to an oath of 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 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.

SEC. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished ... .

SEC. 27. That all laws passed by the so-called State of Deseret and the by 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 ... .
APPENDIX F

THE MORMON PROBLEM

(Excerpts from a speech delivered by John T. Caine in the House of Representatives, Wednesday, January 12, 1887, in opposition to the Edmunds-Tucker Bill.)
Mr. Speaker: ... This bill rudely overrides and sets at naught the eternal, the immutable principles upon which the common rights of men are bottomed. Do you flatter yourselves that you can with impunity trifle with the rights of your fellow men? Do you sacrifice your own sense of right and justice, and bend your better judgment to the demands of a false public sentiment, which owes its existence to two unworthy sources—religious intolerance and bigotry—and the arts of unscrupulous, designing, self-seeking men whose only object is the plundering of my people, and hope that you and your posterity will escape the penalty that heretofore has, sooner or later, been visited upon those willfully breaking the unchangeable laws governing the destinies of nations?

Do you say I am presumptuous in comparing the despised Mormons with the French Huguenots, the English Puritans, and the Catholic Irishmen? In numbers we will probably not equal either, and yet there are nearly a quarter of a million who hold that religious belief in the United States. This bill strikes at the property of the Mormon Church and proposes a test oath to professors of the Mormon faith. It is true that our religious establishment is only fifty-six years old, but in that short period our people have been driven from three States by mob-violence, our property destroyed, our prophet and leaders murdered in cold blood, and forty-one years ago we had, in the dead of winter, to leave our homes on the east bank of the Mississippi River, which we had won by honest toil, and make an unparalleled pilgrimage of more than 1,500 miles, across trackless plains and unknown mountains, to find beyond the pale of civilization a new abiding place. We found a desert land not then the domain of the United States.

The first act of the pioneer band, nearly all of whom came of good New England, Pennsylvania, and New York stock, was to hoist the Stars and Stripes and take possession in the name of the United States, a Government which we then believed and still believe to be of divine origin. This country was at war with Mexico. The Mormons, driven from their homes on the banks of the Missouri, had been especially appealed to by the President to furnish a battalion of five hundred men to make a forced march across the continent and help seize and hold California. The appeal was responded to, although it required every fifth man to abandon his family at the outset of an enforced journey, long, arduous, and perilous, but whither no one then knew, save that their tabernacle was to be set up somewhere beyond the Rocky Mountains.

In making this heroic sacrifice, as in hoisting the flag of their country on the mountain peak overlooking the valley of Great Salt Lake, and taking possession in the name of the United States, the Mormon pilgrims were simply doing their duty. They believed and taught then, as they believe and teach to-day, that the Government of the United States was founded by men who were inspired of God. It mattered not what they had suffered at the hands of lawless men, or wherein those in authority had failed to do their duty, the Mormon religion imposed upon those who accepted the faith the sacred obligation of supporting, defending, and aggrandizing that Government, the establishment of which was but part of the latter-day dispensation.

The achievements of the Mormons speak for themselves. They found a desert region in the interior of the continent, which the few white men who had theretofore penetrated pronounced an unreclaimable waste. Hostile savages held the then supposed to be only habitable places
round about. Almost 2,000 miles of plains and mountains, uninhabited, save by warlike savage nomads, separated us from the eastern frontier line. Between Great Salt Lake Valley and the few scattered Spanish settlements on the Pacific, more than 800 miles of still more inhospitable deserts and rugged mountains intervened. The history of mankind does not afford another such example of a people, stripped of all their possessions, and with the scantiest possible provision, successfully accomplishing so marvelous an undertaking.

I hazard nothing, Mr. Speaker, when I make the statement that but for the Mormons the building of the Union and Central Pacific Railroads would have been an utter impossibility. More than that, sir, but for the work of reclamation, accomplished in two short years among the dreary wastes of Salt Lake Valley, the California and Oregon pioneers of 1849 and succeeding years could not have made the overland journey from the Missouri to the Pacific. We marked out the way, built the roads, bridged the streams, established ferries, and along the line planted settlements.

If the material work accomplished by the Mormons has been such as to challenge the admiration of the world, their political, moral, and intellectual achievements have been none the less remarkable. They have not only reclaimed waste placed deemed irreclaimable before their advent; they have not only subdued nature and made the desert to blossom as a garden of flowers; they have not only built cities and towns, railroads and telegraph lines, but they have dotted the land they won from sterility everywhere with school-houses and places of worship. It is our proud boast that but few of the oldest States in this Union can show a less percentage of illiteracy than the Mormon population of Utah.

The fact that the Mormon people have, in a high degree, capacity for self-government is attested by their history. I defy any impartial student of institutional history to take up the legislative enactments of the Territorial Assembly of Utah, beginning with our provisional government, and coming down to date, and fail to pronounce the highest encomium upon the wisdom, the fairness, the justness, and equity of the Mormon government of Utah.

Mr. Speaker, may I venture to appeal to this House to consider well before it commits itself to the monstrous propositions contained in this bill. I know too well the influences which are operating to drive this proposed legislation through Congress. I realize how the very air has been made pregnant with the baseless calumnies, the slanders, the innumerable and unmitigated falsehoods, ceaselessly concocted and persistently disseminated. Religious bigotry and intolerance are arrayed against my people. Political necessity, cant, hypocrisy, and all kindred Pecksniffianism join in the hue and cry. The platform, the pulpit, the press, are mighty engines for the manufacture of public sentiment. Their batteries are directed constantly and with full force upon the Mormons. I know that it is probably well-nigh impossible for any many in public life to even protest against a measure, no matter how monstrous, how unconstitutional, that is aimed at Mormonism.

Daily, almost hourly, we are told that it is the evil of polygamy
that leaves us friendless, "Rid yourselves of that stigma," is the advice of those who admit the wrongfulness, the danger, of such legislation as is now proposed, "and fair play and justice will have a chance." But is it polygamy that is aimed at? If so, why not give the laws already enacted and so vigorously, nay, so ruthlessly enforced, an opportunity to work their legitimate effects? If they will not extirpate polygamy, surely no legislation of a dindred character ever will. If you are impatient and must have quicker results why not act upon the declaration of an assistant Attorney-General of the United States, who deliberately said that it would have been an act of mercy to have put all grown-up Mormons to the sword. This bill, if it becomes a law, will place the Mormon people at the mercy of men whose object is first to plunder them of all their earthly possessions, and drive them from their homes. The possibilities of the results of this legislation, Mr. Speaker, can not be exaggerated. In all candor I verily believe that a law directing general outlawry to be declared against all who did not, after certain time from the issuing of a proclamation, publicly renounce and recant their belief in the faith of the Mormon Church would be merciful in comparison with the effects of this proposed law.

Mr. Speaker, it is not the morals of the Mormon people or the contaminating influence thereof upon the public that is at the bottom of the persecution we have to endure. It is preposterous nonsense to talk about the "Mormon blot" upon the civilization of our age. If you were to undertake to eradicate blots upon your civilization you would have your hands full.

Mr. Speaker, the Mormon Church establishment is the thing aimed at in all this onslaught upon the Mormon people ... . The men who are here from Utah, clamoring for the disfranchisement of the Mormon people, ... are not afraid of the contamination of their own or their families' morals .... It is simply because the minority can not, under a democratic American form of local government, rule the majority that these men are here clamoring for our disfranchisement.

There is one question, Mr. Speaker, that is pressing swiftly and strongly upon the people of this country; there is one problem that demands the serious attention of all who are interested in the future welfare of the nation, and even of society itself. That question, that problem, the Mormons have solved for themselves. We are not perplexed about the relations between capital and labor; we are not threatened with the dangers of a dissatisfied proletariat; we have no dread of communism; our slumbers are not disturbed by fears of anarchists. The Perpetual Emigrating Fund Company you propose to wipe out, cut up root and branch, because it imports poor and ignorant foreigners, who you claim become the bond slaves of the Mormon hierarchy. And yet 90 per cent. of all the Mormon families in Utah own their own houses. But 3.37 per cent. of men, women, and children can not read. The official statistics are a sufficient answer to this nightmare.

The hard times recently experienced the world over have been experienced in Utah. But where Mormon laborers have been employed, either in or outside the Territory, there have been no strikes. And, what is still more worthy your attention, there is not to-day in an exclusively Mormon community an almhouse or the need of one.
In conclusion, Mr. Speaker, I will say that no community ever did exist that was at the same time industrious and thrifty and yet immoral, dishonest, and disloyal. Men there may be had to a degree that will not bear mention who are also industrious, but communities and nations never. History records no such example. The industry and thrift of my constituents is admitted by their bitterest and most fanatical enemies. They dare not deny it. Do a handful of Mormons in the Rocky Mountains set at defiance all that the experience of history has revealed? Are there in the world's history the solitary instance of thrift and immorality, of industry and licentiousness, of probity and dishonesty, possessed of material wealth and yet disrespectful of property rights? Nothing could be more absurd.

History tells us, Mr. Speaker, that where there is thrift and industry in a community, side by side with it will be found morality, truthfulness, and loyalty. The admission of the industry of the people of Utah destroys the whole case of their enemies. Industry and immorality have ever been and will forever remain incompatible in communities.

... You have found my constituents honest, for their reputation in business marts is almost unexampled. You have found them industrious. Instead of following the promptings of reason and experience by throwing about them those safeguards which would enable them to continue their work of enriching this great nation--instead of this, it is proposed to hamper them still further and by the most violent methods.

... I tell you, Mr. Speaker, I tell you solemnly, that in the United States, in the whole world, there is no people more loyal to the eternal truths of liberty, as expressed in the Constitution of this country, than my constituents; and there will come a time, a time when the mists which now befog the understanding of the American people and its legislators, when the refuge of lies erected by characterless charlatans shall have been swept away, there will come such a time when my works will stand forth marked clear and bold and untramished as their truth justifies.

Gentlemen, I ask you to pause. For your own sakes you can not afford to take a step which is determined upon by such insufficient and untrustworthy testimony. I am here more than a pleader. I speak for myself; and I pledge my work and my character that the statements upon which this legislation is based are without foundation in fact. You can not afford to pursue a policy which is determined upon the destruction of a people whose only fault is, at worst, that they pursue the happiness of themselves and their fellows by methods which are different from your own. Time, the great corrector of all evils, will right this wrong, if such it be, and the fiat of the Eternal has already decreed that the last vestige of Mormonism shall be swept away by the peaceful progress of events, if it be not that which God in His wisdom has appointed shall survive as the fittest.

Gentlemen, you who have freed from bondage the negro slave, you who love liberty and cherish the institutions of our country, who would bequeath them fair and unsullied to your children, let me plead with you, let me beseech you, not to consign my people to such inhuman slavery.