

**HEARINGS BEFORE THE
COMMITTEE ON TERRITORIES
IN REGARD TO THE ADMISSION
OF UTAH AS A STATE**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649600199

Hearings Before the Committee on Territories in Regard to the Admission of Utah as a State by Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

VARIOUS

**HEARINGS BEFORE THE
COMMITTEE ON TERRITORIES
IN REGARD TO THE ADMISSION
OF UTAH AS A STATE**

L. G.

HEARINGS

BEFORE THE

COMMITTEE ON TERRITORIES

IN REGARD TO THE

✓
ADMISSION OF UTAH AS A STATE.

+

WASHINGTON:
GOVERNMENT PRINTING OFFICE.

1889.

10

COMMITTEE ON TERRITORIES,
Saturday, January 12, 1889.

The committee met this day for the purpose of hearing arguments in favor of and against the admission of the Territory of Utah as a State.

Mr. CAINE. Mr. Chairman and gentlemen of the committee, I take great pleasure in introducing Mr. F. S. Richards, of Salt Lake City, who will make the opening argument in behalf of the admission of the Territory of Utah. Mr. Richards is a native-born citizen of Utah and thoroughly posted in everything pertaining to that Territory, and is chairman of the delegation sent from the constitutional convention. I bespeak for him your favorable consideration.

ARGUMENT OF F. S. RICHARDS.

Mr. Richards spoke as follows:

Mr. Chairman and gentlemen of the committee, as a delegate from the Constitutional Convention of the Territory of Utah, held in July, 1887, I appear before you to-day for the purpose of stating some of the reasons why Utah should be admitted into the Union. This is the fifth time that the majority of the people of that Territory have appeared at the bar of Congress and petitioned for admission as a State. At first we were told that our numbers were insufficient, and that we were without the self-sustaining qualifications requisite for a sovereign community, and so we were relegated, by the organic act of Utah, to a condition of Territorial tutelage, until we should gain the strength and experience to fit us for the higher sphere of statehood. But in our later applications for admission it has been conceded, again and again, that we have obtained all that was lacking in the beginning, in the way of numbers and resources, and yet our prayers have not availed to give us membership in the great family of States. I shall endeavor, in the remarks which I make on this occasion, to show that the withholding of this sacred boon is an act of great injustice to a patient, patriotic, industrious, and law-abiding people.

And at the outset of my remarks I desire to remind you of a few pertinent facts which history has recorded, in undying characters, upon the annals of the Republic. On the 24th day of July, 1847, when the Mormon pioneers entered the Great Salt Lake Valley, all that part of our great nation lying west of the Missouri River was an uninhabited wilderness—a barren desert. These brave men and courageous women blazed the way across prairies, over mountains, and through rugged defiles, which have since become the highway of nations, from the Atlantic to the Pacific. They opened up this new country and demonstrated that human existence could be maintained in the midst of ruthless savages, ferocious animals, and deadly insects. By a system of irrigation for which they had no precedent, they succeeded in transforming the scene of barren desolation which met their gaze as they emerged from

the deep cañons of the Wasatch into an earthly paradise. Through following their example and partaking of their indomitable courage, other colonies have been formed and other commonwealths created, until to day we point with pride to five great States and eight populous Territories that have been carved out of the inhospitable wilderness of 1847. So that the Mormons have not only been the pioneers of the inter-mountain region, but the pioneers of the great West, that part of our nation which bids fair to become a controlling factor in the destiny of the Republic.

Nor were these people, who braved the dangers of the wilderness and the hardships of the desert, wanting in patriotic devotion and allegiance to the country which gave them birth. Although driven from their homes in Missouri and Illinois because of their religious beliefs and practices, they could not quench the thirst for liberty which they had inherited as a sacred birthright from their patriot fathers, who had gained undying fame and won immortal laurels in the service of their country during the Revolutionary war and the struggle with Great Britain in 1812. So strong in them was this love of country, that it prompted, as one of their first acts on reaching the valley—then Mexican soil—the unfurling of the glorious Stars and Stripes on Ensign Peak, as they poured forth their songs of joy and prayers of gratitude for the divine guidance and preservation which had carried them safely through their perilous journey in the wilderness. At this time five hundred of their brethren were regularly enlisted in the service of the United States and were taking an active part in the war with Mexico. At a later date some of these very men became the first discoverers of gold in California, and from them went forth the clarion note which drew a stream of wealth-seeking humanity across the continent in 1849 and 1850.

I trust that you will excuse me, gentlemen of the committee, for detaining you with this brief historical recital. My purpose in so doing has been to show what kind of men our fathers were, and to assure you that the fire of liberty which burned in their souls has been transmitted to their children. I was born in Salt Lake City, and Utah has always been my home. My great-grandfather was a Revolutionary soldier, my grandfather served in the war of 1812, and one of my father's brothers lost his life in the war with Mexico. Will it be said that I have no claim on the sacred heritage of liberty for which these men fought and bled? I mention my own case because it is like that of thousands of young men in Utah, whose mouth-piece I am on this occasion. We love the glorious institutions of what we believe to be the only government on earth founded on divine inspiration, and it is repugnant to every impulse of our natures to remain in Territorial vassalage when we know that we are entitled to the rights of freemen. It is for the purpose of convincing you, gentlemen, that we are so entitled that I now appear before the committee.

The area of Utah is 84,970 square miles. It consists of a series of valleys nearly surrounded by rugged mountain ranges and scantily watered by streams formed from the melting snows on the lofty summits. The arable land is limited chiefly to spots capable of irrigation. There are ranges, however, where cattle and sheep roam and multiply, and the sparsely timbered mountains are treasure-houses of mineral wealth.

The population of Utah is estimated by the governor, in his official report, to be about 210,000. That this is not an exaggeration appears from the fact that the census of 1880 gave Utah a population of 143,963, and the increase during the past eight years has been steady and rapid. It is a stable and self-sustaining population, not a community of tran-

sients. The great body of the people have settled there to stay, and most of them own the lands they till and the houses they dwell in. Their thrift, industry, temperance, and peaceable disposition have become proverbial, and the comparative absence among them of the vices common throughout Christendom is almost universally conceded.

Besides producing all the cereals and grasses of ordinary agriculture, they raise the vegetables of both, the temperate and semi-tropical climes and fruits of remarkable size and flavor, large quantities of which are annually exported. The wool crop is from 7,000,000 to 10,000,000 pounds a year. The value of live-stock is not less than \$30,000,000. The gold, silver, copper, and lead output for seventeen years, at their mint and sea-board value, aggregates \$134,992,630, and for the year 1888 was \$10,993,781. Utah has many flourishing industries, including flour mills, woolen mills, paper mills, saw mills, planing mills; boot, shoe, hat, silk, clothing, brush, broom, sash, and molding factories; glass, soap, glue, furniture, iron, and smelting works; potteries, foundries, machine-shops, brick-yards, lime-kilns, etc. Its banking and mercantile institutions are noted for their stability and integrity, and their credit in the world of commerce is unimpeached. All the ordinary trades and professions find ample and remunerative opportunities, and art, science, literature, music, and the drama are cultivated and encouraged. The telegraph, the telephone, the electric light, and other modern improvements are in extensive use. Immense iron and coal deposits have been opened and only await the coming of capital to add their vast riches to the ever-increasing store of this prolific region, which abounds in all the minerals except tin, and has greater and more varied resources than any of the surrounding States and Territories.

In addition to rich mines of gold, silver, lead, and copper, there are mountains of salt, various colored marbles, granite, limestone, sandstone, and other fine building stones, also asphaltum, ozocerite, petroleum, gypsum, sulphur, ochers, antimony, manganese, etc.

The assessed property valuation, exclusive of mines which are untaxed, is \$46,379,073, but the actual valuation is over \$250,000,000, as attested by the boards of equalization. The assessment is not over a third of the actual value of the property listed, and the untaxed mineral wealth is enormous. The Territory has no public debt, except bonds for \$150,000, recently issued, at 5 per cent. interest, for the establishment of educational and charitable institutions.

There are 1,343 miles of railroad in the Territory, as reported in Poor's Manual, a leading authority, valued thereby, with equipments, at \$44,456,737, or nearly the whole amount of the assessment on all the property in the Territory. The real estate is worth not less than \$110,000,000, large amounts of money are invested in financial and commercial undertakings, and the wealth of the Territory is increasing at an astonishing ratio.

Education in Utah has been diligently fostered and promoted. The public-school system, so much misrepresented, has proven so efficient that the ratio of illiteracy is lower than in most of the States. The Territory is divided into school districts, in each of which three trustees, who regulate school affairs, are elected by the qualified voters. A Territorial tax equal to the tax for general purposes, namely, 3 mills on the dollar, is assessed for the payment of school teachers. A local tax is assessed by the trustees of one-fourth of 1 per cent. in each school district, and a local-option tax, not to exceed 2 per cent., may be assessed by the resident tax-payers in each district for any school purposes. A superintendent of schools is elected for each county and

there is a Territorial commissioner to supervise the whole, who is paid out of the Territorial treasury. The district schools are entirely secular and are open to all classes. No denominational tenets are taught therein, and the text-books are those in common use throughout the country. There are about 500 district schools in Utah, with 34,500 pupils enrolled, and the value of school property is about \$520,000. The various religious sects have their schools and academies, supported chiefly by contributions obtained from benevolent persons in the Eastern States, and the Mormon Church has several scholastic establishments entirely disconnected from the public-school system. The University of Deseret is an educational institution of a high grade, supported from Territorial appropriations, and is non-sectarian in character.

Every indication points to the speedy growth in Utah of a populous and magnificent Commonwealth, that will prove a source of richness to the nation and of added glory to this great Government. Every requisite to the structure of a grand and prosperous State is to be found in this, the oldest of the Territories, which has pleaded for statehood from its beginning, forty odd years ago. All that is needed now for her development and full growth into the proportions and prosperity promised by her immense and diversified resources is a stable government, republican in form, which will give that assurance of safety which capital demands, and will settle forever the agitations which have deterred its more extensive investment. Statehood is the great essential to this settlement and that assurance, and Utah can never expand into the proper measure of her power and dignity while hampered with the swaddling clothes of Territorial infancy.

The claims of Utah to the rights and privileges of statehood are indisputable, and have never been denied, except for two reasons. When seeking admission on former occasions her delegates have received for answer from gentlemen of both parties: "Provide in your constitution against the practice of polygamy, and there can be no possible objection to your admission." This demand has been complied with. At a constitutional convention, held in Salt Lake City July 7, 1887, composed of delegates chosen at mass meetings held in the several counties, to which citizens of all political parties were invited, a constitution was framed which contained the following provisions:

ARTICLE XV.

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

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

The article providing for amendments to the constitution limits the general power to amend by the following proviso:

Provided, That section 12 of Article XV shall not be amended, revised, or in any way changed, until any amendment, revision, or change, as proposed therein, shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed, said section shall remain perpetual.

This constitution was ratified at the polls at the general election, August 1, 1887. The delegates who framed the constitution, and all

the voters who ratified it, had previously taken the following oath, as provided in the act of Congress of March 3, 1887:

You and each of you do solemnly swear that you are a citizen of the United States and of the Territory of Utah; that you will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," and will also obey the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,'" approved March 22, 1882, in respect of the crimes in said act defined and forbidden, and that you will not directly or indirectly aid, abet, counsel, or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication, and that you will observe the laws of the Territory of Utah. So help you God.

These voters represented the great body of the people of Utah. *They were not polygamists.* They had no intention of becoming polygamists. The polygamists, forming less than 1 per cent of the population, have been disfranchised since March 22, 1882. They take no part in practical politics. It is the monogamic people of the Territory, the vast majority, who ask for their political rights and have proposed to prohibit and punish polygamy if Utah is clothed with the powers of statehood. There is nothing in their religious belief which forbids or would in any way hinder them from carrying into effect this prohibition. And they protest against the injustice of a denial of their political liberties because of the past acts of a few individuals not of their class.

As evidence of their good faith and intentions in this regard, I point to the act of the Utah legislature of March 8, 1888, copies of which, with resolutions adopted by the same body, are presented to this committee. This act is a stringent marriage law, and supplements the legislation of Congress with heavy penalties against any person who solemnizes a polygamous or other unlawful marriage. The resolutions indorse the acts of Congress against polygamy, and recommend their proper enforcement. If it be said that the constitutional provision against polygamy is *in futuro* and may not be executed, we reply that this Territorial statute is proof of good faith, for it is now in force.

President Cleveland has informed the Congress and the country, in his recent message, that polygamy is practically a thing of the past in Utah. All the evidences go to establish this as a fact. There have been no convictions for polygamy for a long time. The Federal judges and other officials admit this to be a fact. The cases that are being prosecuted and have been heralded to the country for two or three years past are not for newly contracted polygamous marriages, but for "unlawful cohabitation;" that is, the association of men with plural wives whom they married many years ago. Under the peculiar construction of the statute by the Utah courts, association that would be perfectly innocent, if the parties did not claim the marriage relationship, is deemed a violation of the law, although there may be no actual cohabitation or living together. That is to say, if a man claims a woman as his plural wife, and supports her, any kind of association between them has been deemed unlawful. It is this species of prosecutions which keeps up the appearance of a perpetuation of polygamy in Utah. The relation between a Mormon and his wife, or wives, is viewed by the parties as eternal. Even if the man does not live with his plural wife he is in duty bound to support her and her children, as the bond between them is of a religious character. What can these men do with the women whom they conscientiously regard before Heaven as their wives for time and eternity? They can not eat them, like the New Zealand

convert to Christianity. Nor are they willing to promise to obey the law under its present remarkable construction. Yet it is these cases, in which the parties are chiefly elderly persons, and have in many instances contracted their polygamous relations before there was a law of the land forbidding polygamy, that are being cited by the opponents of statehood for Utah as proofs that polygamy is still a living issue.

Recently there has been a more rational and humane policy in the punishment of this offense than prevailed formerly in the courts of Utah. The unprecedented construction of the law remains, however, having been established by the supreme court of the Territory. The surrender of defendants, who voluntarily come into court and plead guilty, is taken as evidence of submission to the law in two of the judicial districts, and a comparatively light fine and term of imprisonment are imposed for the first offense. This is having a very salutary effect, and a rational and ordinary construction of the law would soon regulate the prosecutions for polygamous cohabitation to the inconspicuous category of uncommon offenses. For, as a matter of fact, even this lesser offense against the law, "cohabitation with more than one woman," is now very rare. So that virtually the *polygamous status is all that remains*. Men who hold that status do not live with their plural wives for obvious reasons, and in many cases the death of either the husband or one of the wives is reducing the number of persons in that relation almost every week.

Polygamy, then—that is, the marrying of more wives—can not be shown to have a present existence in Utah, nor to be now even as frequent as bigamous cases in other parts of the country. There is positively no proof whatever of newly contracted polygamous marriages. This statement is confirmed by the testimony of Judge Carlton and General McClelland, of the Utah Commission, and has recently been indorsed by Judge Judd.

The special report of the Attorney-General to Congress shows that there have been only ten convictions for polygamy since the passage of the Edmunds act of March 22, 1882, and for unlawful cohabitation five hundred convictions. When it is remembered that in addition to the ordinary facilities for criminal prosecution the Government possesses the extraordinary powers conferred by acts of Congress, to exclude from the jury every person shown to have any belief in polygamy or sympathy with the defendant; to attach witnesses without a previous subpoena and compel their immediate attendance; to permit the legal wife to testify against her husband; to compel the attendance and testimony of the alleged plural wife, the children, and neighbors of the defendant; to employ a horde of marshals, possessing all the powers of peace officers, to detect, obtain evidence against, and arrest violators of the anti-polygamy laws, and who are spurred on to extra diligence by liberal fees and backed by a strong but uninformed public sentiment which justifies any extremes against a polygamous subject; is it not conclusively evident that these statistics are a full showing of the proportions of the polygamous conditions now existing in Utah? Is it not almost impossible under these extraordinary provisions and powers that an offender should escape? And with these figures, as the result of six years' diligent and relentless prosecutions, how can the reckless statements of our opponents that are made concerning the prevalence of polygamy in Utah be considered anything less than monstrous exaggerations or willful perversions of the truth?

The other objection is, that in Utah the church and the state are united or that a "hierarchy" dominates civil affairs. No evidence is