

Utah Territorial Legislature, January 1852; Debate on Indian Slavery, possibly beginning 23 January 1852¹
Papers of George D. Watt MS 4534 box, 1 folder 3, pages 1-11
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LENGTHY DEBATE ON BILL AUTHORIZING PURCHASING OF INDIAN WOMEN AND CHILDREN
AND CONDITIONS PLACED ON SUCH PURCHASES; EXTENSIVE DEBATE ON LEGALITY OF SUCH
A LAW

[For speech by Brigham Young, see Brigham Young, 23 January 1852]
[Page 1, image 123, continued]

Judge Snow

I have no particular feelings relating to particular acts ~~from~~

¹ No date or speaker given on manuscript. This debate follows speech by Brigham Young, dated 23 January 1852 in Complete Discourses of Brigham Young, v. 1 p. 473. Later portions of this debate are dated 27 January 1852.

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Pratt²

The question under consideration is an act relating to the liberty of that people I think if we should pass such a law the United States dealing with things we have no business with we can pass all wholesome laws for the welfare of this society and all people that live therein but when we touch the principle of enslaving the aborigines of this country binding them by certain laws to be bought and sold is preposterous and wonder any gentleman present such a bill before this country the United States with all the power they are in possession of have ventured to enslave the aborigines of this country they only enslave a hair color shall we enslave people and make laws to enslave a race which the government of United States ~~have~~ would assume.

Pratt

If the gentleman had not got off the subject I ~~may~~ might make a reply the object of the bill is to abolish slavery this is the object ~~set~~ which was set forth I wish to say a few words relation to powers of this territory the people of the state of Missouri or Illinois have no better right to legislate for orphan children for vagrants or for the protection of or regulation of run away Negroes or Negroes found in the territory in state of slavery not a better right than the territory of Utah have as long as we know that these Indians here are objects of traffic seen droves of them lariatied out proven here before the court the other day that there are Indians here that follow the business of stealing children offering them for sale and if not sell them kill them these things facts are fairly before the United states court these facts are actually known Mr. Calhoun reported that the Indians of this territory did devour each other and have suggested Congress do something in this matter they will not do and if we will not take it in hand if we who profess extend liberty ancient Israelites and bring them back to their former freedom if we will not extend the hand of friendship the race must come to an end degradation and ruin must [ceaselessly reign?] until the

² Presumably Orson Pratt; Parley Pratt was away on a mission to South America.

last blood of Lehi extinct from the earth I am not afraid of United States confiscating my property because I take an Indian child
clothe it and put it in a way to obtain an honest living many of courts of United States not any afraid that an indenture in some manner restricts that my own children be indentured by by the United States the case is a clear one
and calls for humanity to save bleeding Israel unless we take some measures to extend the means in our power to save this
fallen race would expect their blood upon our heads and vengeance of Almighty slaves if afraid of Uncle Sam though he
has declared that [freedom effectually?] is the provisions of bill the bill got hastily up not altering and amending this council
possess wisdom to do it in my opinion if you can place an Indian child in position by his serving 20 receive school learn some trade instead of being shot for sport if we do not lay the plan to come [at/out?]
these Indian children the trade will be by crossing the line this trade is going on all the time in Indian country just cross
the line and the trade continues

Spencer

I had the audacity to second the bill my audacity had some effect to wrest able speeches from the honorable council I
flatter myself that I had the courage to second this motion I hope the result in this case I shall be all safe [illegible]
as to the bill I am not able to see the legal bearing of the motion that I took the liberty to second from the remarks of the honorable councilor spoken last it is
true that not³ as portrayed and [have/if?] philanthropic and effective system of [oppression/operation?] by the bill introduced to this council I demur the spirit of the bill and the object he wishes to
compose by its passage it is a matter of question whether it is our right prerogative to pass such a law and if it is not we go about a false errand do that which
must be undone this is what I wanted the gentleman to show perhaps I seconded the bill to show [for?] sound argument I am not in any [consist/society?]
but the idea I have entertained on this act like this probably through their executive and Indian agencies do provide laws for the Indians of peculiar character

³ Word could possibly be read *naturally*.

they are nations by themselves dependent in some measure upon the nation of United States they do not allow any other nation to arbitrate they appoint agents at their every border to see that this people are protected in their rights and no one intrude upon them they appoint missionaries and teachers can they do it without a license could we ~~do~~ send missionaries to send preachers among them without permission of Indian nation teach them manufacture I rather apprehend not but if we present this joint bill in form of memorial then they will say send out your missionaries teach gospel manufacture take ~~them~~ their children and we will give you your wages we will sustain the men and give them salaries that will go and gather up these outcasts from all nations that are ready to be butchered [have spirits?] we will pay men for this service for us to take the matter into our hand it may be right I would like the gentleman to show that not much danger if we pass this the governor is Indian [reformer?] and it is wrong not sign it if we present it as memorial that is my views and the reason I second such an enormous movement.
[blank line]

Dana

I would observe that I had a conversation with a chief agent of Indian affairs in Washington he read the law and he said in regard to the law regulating the traffic with Indians it was the most strict of any other law of the land and spoke of the camp at Winter Quarters with respect to building [domiciles?] etc. said they were permitted to go on that land to keep them from being butchered by their enemies but as they were dwelling on the land killing their game and there was repeatedly letters Indian [--?] would have to be removed read a good deal of law which was very definate and extensive in all its bearings however I wish to have the thing take its right direction in this matter I would like to have the Indians protected not like to interfere with matters not belonging to us for this reason we have got the air a little smoothed down now and if we can keep our [poor power?] until we get a better hold I would not like to make [so?] firm a grasp until we get more power I believe in legislating in wisdom it is wisdom I want if we are going

to pass laws which are the laws of God hold up both my hands I go in if that gentleman go in for it to day.

[blank line]

Farr

I have been quite interested with the remarks brought out on both sides of debate the design of that bill appears to me to be very good or the designs of chairman that presented the bill are good but as it has been remarked the laws of United States is very strict pertaining to Indian territory or pertaining to the traffic with them in property I know more about the law pertaining to property than persons I do not know but the law is strict pertaining to buying and selling persons I do not know anything in the constitution that prevents or encourages the selling and buying of Indians I have not seen any law on this matter I believe there might be⁴ a law made and not be according to the laws of United States prevent any Indian or white man from selling an Indian in this territory severe punishment in that way we can prevent their selling Indians that if they brought an Indian here in our territory to sell that they lose their heads or perhaps get a severe flogging quit that traffic and throw out law that we will buy all the Indians the females and the children men I suppose are not to be bought. ~~I do not they are not for sale I~~ suppose if there is ever a law made to prevent their fetching them here white black or any other color let there be a law that they be scourged called to order by the chair I speak of the impropriety or [propriety?] of preventing the trade of Indians and their offering of them for sale that in the section I suppose the section is not adopted chair the postponement of the bill is the question.

[blank line]

Smith

Crave the indulgence of council for the purpose of throwing a little more light on subject of this question I have never seen an Indian man offered for sale

⁴ A short dark line before *be* may be an aborted attempt to write this word.

nor gambled for when they take them prisoners kill the men the women and children sell and cannot do this
kill them more than that it has been proposed that
a law shall be made to prohibit the Indians from selling them the result would only be the Indians would cross
the territorial Mr. Dana extends the idea
that the Indians laws very strict could not get timber in Indians' countries I demand the facts can we do it here is
this territory Indian country
or perhaps our labor [klks?] owe Uncle Sam 3000\$ if one person found herding cattle here forfeit 1 dollar per
day
every man that is found in Indian country with intent to build liable to have his house torn up this a territory
of Oregon full of
settlers all in the same chapter if Congress this law upon us. The very moment territory of Utah organized by
law this ceased to be
Indian country providing it ever was Indian country demanding it was an Indian country at that time it was not
the moment it was organized territory you might as well
the state of Illinois has not the privilege of legislating in relation to vagrants as say we not have the liberty to
legislate there is not a merchant
who have come here the law is if any man introduces goods into this country ever goes in this town
confiscating if it is not Indian country
who is going to make rules it is suggested that we should pass laws that the Indians should not sell one
another we ought to be friends of children of Israel
make laws to protect it send men over to Mexico those men who ravish [girls?] not seven years of age that
they cannot
go throw those into their hands⁵ because we are afraid of doing some thing that somebody will not be pleased
with and if God has placed
us here to legislate for the relief of Indian and we would doing their blood be upon our heads. Speaking with
passing the law
before it got there and back we will pass another so as to have one in force all the time every three months
the honored gentleman from Weber suggests stop the selling of them I have seen half a dozen of gambled for
sold for a

⁵ Phrase could also be read: *throw themselves into [other/their?] hands.*

bed quilt could not have sold the result would have its brains knocked out and nothing said about it numbers of them have been killed within the knowledge of individual in that way the chief of [prvine?] Indians has gambled away every one except child at breast they have a kind of game row stick a child against half dozen bullets etc. as much trick as operation of gambling now to suffer this order of things to go on another month or year to give no sanction or color of law to stop it. Then as a matter of course those agents having the power and control of this matter and under that control having no regard or feeling to Israel and grant license to ravish and use up the race. This legislature be memorialized upon the subject I have memorialized the states on subjects of throwing [in towel/ntl?] if we was to memorialize them three years what be the result of it God bless you we can do nothing for you. Give us money for teaching the Indians to plow and if the heads of the law send some low bred⁶ dog to superintend it.

Mr. Judge [mrklrow/mlklrow/Mr. Killroy?] was sent up there to boss the farm did they ever have any bread from it very little does the government of the United States mean to do something for the Indians and territory of Utah if they proposed to do have they ever made an appropriation sent a [bln?] to the Indian country in a bill when it was provided that the governor of Utah be superintendent of Indian affairs [appropriated?] no thing at all for ~~them here~~ why are they not out here on Bear River Uncle Sam has never sent them any instructions he has no use of them he only sent them here to get them out of the way. The question has been before them two winters in succession nothing done I am in favor of this not being postponed infinitely if the gentlemen consider ~~not~~ this bill not got proper I am that partial to the Indian race I wish to have so shaped if possible fall into the hands of good men will cultivate them education [sic] and make them fit to enjoy that liberty so much bestowed here here is the labor spoken of by my friend [--?] than to go into the hands of those

⁶ *Bred* written over *blood*.

savages keep a guard. From Weber pass a law that Indians not be sold in the territory all that is necessary
pass the line
the name of J S Calhoun signed blank prove [but this/to those?] very business license was purchased Mr.
Calhoun has signed licenses

for a man to trade for Indian children. Page 99 annual report of the commissioner of Indian Affairs. Blank license was produced <signed> by Calhoun.

Carrying out the ~~that~~ hypothesis that they must be elevated or exterminated the commission notes was read. A copy of original license was found in hands of man endeavoring to trade for Indian children that [sustains?] that the authorities of New Mexico encourage the buying and selling of Indian children ~~Judge Snow~~.

Pratt

I have not risen with intention of being lengthy upon the subject but as not any of the speakers brought forth on Thursday⁷ we have not produced much law for want of being versed in laws of United States at same time we have some understanding little light obscure though it may be upon the subject before us much has been said by the [pst?] the gentleman in relation to relief of Indians and that is our duty to look after the remnants and outcasts of Israel upon the face of this land I presume not one of members present [but whose] bosoms burn with benevolence and philanthropy [towards?] that fallen race and if each as anxious as gentleman before us that they might be redeemed and civilized and taught all useful arts and sciences the grand question is not whether to be kept in this state but how be exalted from that state shall we do it by coming [in] contact⁸ with the laws of the United States shall we do it by bind[ing] them to servitude for the space of 20 years their women and children and [do that?]⁹ by an act of this legislative assembly is that the best way to redeem exalt teach instruct that race we might if we had the authority be the best way if the United States give the full power to the legislative assembly of this territory to take that course I do not know have any objections but I have some reason to ~~have~~ believe it would be the wisest plan but inasmuch as they have not stated such right to us the query arises whether it would not do the Indian more injury in the end to try [to] accomplish that by law we have no right to make so far as as [sic] passing laws we have no need [but/to?] let it rest it is within our power to get licenses to go into their

⁷ January 1852 had five Thursdays: 1, 8, 15, 22, 29. Orson Pratt is apparently referring to Thursday, 22 January. Document is undated until page 7, two pages later, which is dated is January 27, 1852 (a Tuesday.)

⁸ I.e., conflict.

⁹ Shorthand written over..

midst and instruct them and teach them but I know of no law prohibit us [want?] redeem them from that miserable position do it without any enactments
let this legislative body make enactments to bring that people into servitude I consider anything more nor less than slavery it is buy and selling though it may not continue down through other generations yet it is binding them to slavery at least 20 years if we should pass such acts as this
the query is in my mind whether it would not tend in future to cut off all the intercourse with those tribes the United States become jealous of us plain as
this they would enact some strict laws that would prevent us from using the influence among them that we can use now independent of any laws
that now exists if our hearts have filled with philanthropy for the tribes around let us use the best means for their recovery use the best means result in their good in the end even though this be admitted not to be an Indian country [not yet?] we have example of states nations
of Indians right in the heart of an organized state the state of New York did that state have the authority or power to buy and sell those Indians that was
not an Indian country and yet do we find the citizens and inhabitants of New York by law to buy and sell them and bring them into slavery
for 20 years or longer we have no such laws as the state of New York this would be assuming new power position in regard
to the Indians inasmuch as we bring them into this bondage we might use another term it gives the power to the people of this territory to enforce
servitude upon admitting that this is not an Indian territory we have no right to make laws to prohibit the traffic of Indians neither have we any right to make
laws and sanction it one way or the other it is not within the power of this territory to make such laws prevent them from trading what is the use
of this assembly enacting laws upon the subject wherein the states have already enacted laws if they have power to punish the Mexicans ~~and have they~~ if they
have already this power in their hands to make laws and their officers are acting upon those laws what use of this territory making laws any further
than this that they shall be punished if they shall steal and no further than this in my own opinion has this legislative assembly any power to act with
regard to the Indians if we wish to extend our philanthropy let's look after better plans for the redemption of that people.

[blank line]

Wells

I suppose there are exceptions to the general rules I comprehend this is one the gentleman observed
no right or authority to legislate for

I should like to know where we get that authority from to legislate for them in any manner whatever. What right had conquerors to legislate over Indian territory where the Indian title was not extinguished Congress had no more right to organize this territory and pass a law for according to their own policy than we had to live there [at/had?] [no other/northern?] quarter yet we find them legislating. It was observed it might not be an Indian territory there are exceptions to the general rules with respect to Indians of New York there was a policy carried out in the removing look at the policy of United States from the commencement how much has it benefitted the Indians their policy is calculated to degrade the Indian character instead of elevating them they have become so set with regard to them that some of their agents consider it better to exterminate them I admit it is new ground we have to break the ground wherever we act the Indians have rights here their title to the land has never been extinguished yet the country taken from them by right no by circumstances there was an American people here they have rights. There is no law about this matter new ground they have given us an organized government and left us to make laws for ourselves. If an Indian is found committing a crime against a white person why not bring him to law when he commits a crime against his own tribe amenable in one case [whether/there?] in another why not lay a good platform upon which they can up and rise in school of natural existence and become useful not only to themselves but to nations of world I am in favor of the bill different language than it is at present I have no fears of legislating upon I consider we have a perfect right.

Farr

I ~~do~~ did not rise before to oppose that that bill my object was to [throw/try?] light and intelligence of mind in favor of passing bills and laying them over to 4 July I believe in investigating a thing out of respect to that member that is not my principle I am in favor of same in [nature/entire?] now got up in Indians in their rights I believe this territory have a right to make laws for protection of Indians as much as they have for the rights I would make a law and let it go and Congress reject it [still/let's/as well?] by the time it gets back make another with slight variation come it going but gentlemen is it policy for us to traffic in these Indians draw away the child from the breast and bring them ~~in~~ here and sell them bring the Indians here buy wool sell for a horse I will get a horse snatch up a child and sell it for a horse

as it were I be taking children from parents that would like to have them themselves I suggest it for consideration of members in this council ~~I am not~~ I am in favor of their having privilege of cutting his [nts?] off. Cannot we make our laws to punish those men who do such things I would not have the gentlemen to suppose for a moment that I was in favor of ravishing those girls making law to use them up for that business if it be considered policy that we buy all the Indians of territory present themselves where money to [do] it I want the bill investigated something whereby we can protect those Indians in their rights. Laws that if any buy or sell shall buy¹⁰ subject to severe penalty if they take white women children we can pass a law that they having their heads cut off if we choose I do not wish this policy I ask was it policy for us to buy every child that shall be brought here for sale yes I not consider it to be servitude any more than it is with the white [boy/buy?] I therefore I differ with the one gentleman take up a boy in street bound out until he is of age [generally?] not to exceed 20 years educated four months in year and if that master does not take care of children then he is liable to be dealt with they are under the same law and regulation as our own children would be if we take care of them ourselves but for us to buy up all the children comes in our reach and publish it throughout this territory while I shall leave that for the consideration of this council I shall not say it is not policy but I have suggested these few ideas relative to what might be policy or what might not.

Wells

Buy them from the most loathsome slavery is their freedom.

Spencer

[Last five lines of page are blank.]

¹⁰ Written: *b, long i*. Possible intent is *be*.

Council January 27th 1852

An act for the relief of Indians was read by the clerk. Motioned and second

Farr

I feel to continue a few remarks upon that matter and endeavor to be brief the bill as I have already I consider of great interest unto this honorable body and citizens of Utah Territory I have no fears myself but what we have a right to make laws to purchase these children within most counties in this territory there is a debate on the minds of many whether this is Indian country or not for my own part what I have heard read of law [illegible]¹¹ and read myself I am led to conclusion that this part is United States territory and not Indian country there was a law passed by the United States some few years ago making laws and regulations pertaining to the Indian country west of Mississippi River and also Indian country in territories east of Mississippi country show that Indian country existing in the same territory and as we are without law in particular to our affairs here and as that law does not apply and [that is/this/thus?] to [acts/subjects?] [nearest?] I am led to conclude that we have a portion of country here as being United States country and that portion not organized in county and inhabited by the whites is Indian and when a man goes on to that ground he is subject to laws of United States pertaining to Indians if this territory which has been organized if is deemed for a moment as Indian territory we then are all of us subject to heavy fine and having all of our property confiscated every day of lives do we suppose for a moment that was the design of Congress knowing we [are/here?] and made claim here and giving us organic act to be governed by I am persuaded this is not Indian country but United States territory we are legislating for and having a right to make such laws as we think proper for the benefit of this territory I would be in favor of making a law to purchase these Indians from their low degraded filthy state now in and the more I think of it the more I am convinced of the propriety of our making a law purchase these Indians and making such laws and regulations as for their happiness after we obtain them if it was in our jurisdiction to make laws to govern the traffic of Indians throughout the whole boundaries of this territory but as the United States govern the grounds

¹¹ Word appears to be crossed out.

the Indians claim and if Mexicans or [illegible] of out of the territory and traffic among them they lay themselves under a fine of 500\$ each.

[To/But?] come within the purview of our own organized territory I would be in favor of adding some further to that bill and perhaps before I sit down make

a motion to refer the bill to committee I would be in favor that any person have a right to trade in these counties with these restrictions

they shall not deal any liquor to the Indians whatever and that they should be prohibited from purchasing their coats and blankets and many other articles

might mention which I am aware the honorable chairman of that committee can include for very good reasons I view and I think that when the Indians come

into county to trade skins for ammunition as they live by hunting it is their right to have ammunition we can control them [if/for?] we have ammunition.

Again in cases they want to sell skins for flour and the females being poor and have not the means of purchasing their clothing let them purchase skins

of them and make their clothing I [verily?] believe that Indian traders have no business within our jurisdiction whatever the ground that is inhabited by

the Indians not inhabited by the United States I consider to be Indian territory. Then I go in for laws to be made giving the citizens of the respective counties

a right to trade with the Indians but any further than those counties go out of those counties they are on Indian ground and subject to the United States law I

would move that the bill referred back to a committee to make laws regulations as shall be seen wisdom by the committee. These are views and

shall submit the case.

Pratt

I do not wish to occupy too much of the time of the council in relation to this bill yet I do feel as though we ought occupy sufficient time not to pass principles that will be

calculated to do us injury and no good the reason I say this will do us [no/any?] good is upon this ground the same ground talk yesterday upon the same

subject that if the Unites States have passed laws prohibiting the buying and selling of Indians this territory have no right to pass laws of opposition to their laws that we all

admit on the other hand if the United States have made no laws respecting this matter we are at perfect liberty to buy or to sell or deal with the Indians in relation

to any subject so far as they have not made any laws in relation to that subject but that independent of enacting a law by this council consequently where is there

of law being enacted upon this ground there would be no use and furthermore it would be entirely wrong in us to make laws contradictory to that which we had evidence to believe was in existence on the other hand if they have made none what use to make laws giving people privilege have privilege to do law the people privilege to travel from one mountain to another it is only granting ~~them~~ that which they already have and shall we legislate upon subjects be of no benefit to this territory make laws granting the people privilege to do what they have no right to do consequently consider it one of the most foolish things should be thought of to legislate upon an act of this nature.

Wells

It is true there is no law prohibiting us and that we have the right to purchase Indian children. Without a law owing to circumstances in which we are placed whether we have the right or not we do it it is done constantly now what shall we do under this set of circumstances shall we permit them to be purchased and held as slaves or shall we make a law which authorized the purchase of them which takes them from the purchaser and places them under protection of our court that is the question not whether we will permit them that to be purchased but whether we will suffer them to be held as slaves that is the nature of bill before us it is to take them not only from the bondage and slavery which is their nature to hinder them from being purchased to bind to slavery but put them under guardian where they may eventually be civilized and become useful to them selves and nation I see a propriety and benefit to Indian child in the provisions of this law ~~we know~~ the humanity of our nature causes us to purchase an Indian child lariatd out to be sold for a penny etc. an act of humanity now he dooms that child to slavery unless some law takes him from his custody and puts him under that of territory this is a law that regulates these matters hence the propriety of it.

Hunter.

I have witnessed that a great many Indians taken up here and murdered my idea always is to obtain an object I set out to obtain

this section before us. We must devise such plans save ourselves this thing of purchasing and keeping them for 20 years and give them four years schooling who will doing [sic] it I would not take one of those Indian women it would be worst punishment could be placed upon me we must introduce a plan to hinder this barbarous treatment ~~I do not think we could~~ no person is going to take an Indian child and school it and bring it up as for an Indian woman I would not have about my place they can be obtained with more propriety and could be purchased and I wish the committee to alter the thing I do not think they could be released from their present condition.

First section of bill read.

Williams

A few remarks I do not look at things together as some of the council for instance well as it respects the laws we made to prohibit them where the Indian agents are permitted to buy and sell without license from the United States the laws that passed was not in relation to the territory but the trading carrying anything off the interest of United States for that should be the object of United States then if we care for the status and wellbeing of United States we should increase taking that means and measures to secure it among the Indians and if it be injurious to us and United States to make such a law we should not make it about Indian territory it means to some that this territory having become the territory of Utah if not [more/mere?] territory if the incorporation of the territory makes it not Indian territory why then it is [so?] it is not an Indian territory not [amongst?] an Indian nation no it is contradictory in our organized bodies next come down to counties as to myself I do not say why counties hold preference over the whole territory could there not be a law inserted in this way that those Indian children that are purchased come under the same laws having them compensated the man who has purchased them I would like that in [any settler?] I

Pratt

~~the question is now open to~~

[last line of page is blank]

George A Smith.

The object of the bill is to put a stop to [--?] of usury if we put in agents while they are here on Main Street smoking cigars in some of our scattered counties I want you to purchase this girl or boy you must go the Great Salt Lake City I will not go there but I will knock at his brains. Away from the government [message?]. Gentlemen I am opposed to this amendment because it do not cover the ground I know there is no way on face of earth to escape this matter known to human in every farmhouse etc. to meet the provision of this act.

Spencer

I do not know that I have much new upon that point however I take another ground on this subject was not the decision of the council that we have a right to legislate and make purchases of them I should now be in favor of some thing like the amendment unless the committee make some more favorable if we have a right to purchase their children and to interfere at all with their customs buy[ing] and selling and gambling and it is supposed we have a right that men would dictate and prompt us to interfere with them though it is not always the case it is right I would think we had better strike at the root of this evil and not pass a matter of such magnitude of that of buying and disposing the remnants of Israel on these mountains with no paltry relations I we do up the thing [more?] law and something like agents be appointed and disposing of those objects of [salvation?] and also to instruct the tribes in agriculture in cleanliness and self respect and in all those wholesome duties such the United States government has recognized as important to be taught to all the Indian tribes and which the Father of us all recognize as being right to be taught to them suppose the Indians allow us to purchase our children let them come to our settlements decide they will kill your child or some child before come to our settlements kill their children under ignorance barbarity of [right/heart?] of the [act?] we shall not rebuke the evil I apprehend by giving the citizens liberty to purchase them [weighed?] in the arguments of counsel of [life?] we can scarcely take care of our own children wonderfully [pathetic?] with regard to civilizing our own offspring [relation?] this down cast down nation they are worth some I would say send men in the bosom of tribes themselves to live there and learn their tongue to show them we have feelings of men abiding in bosoms towards them show them we

are their friends and we can inculcate our principles in their minds we can do and I believe if it is our duty to meddle at all with those Indians is our duty to send men among them and we have men go among them and live among upon principles of salvation we have men that will go there and labor and toil and suffer for the sake of doing them good I am for carrying out the [benefit?] and in start by [our/here/say?] anybody buy an Indian child and take it probate court anybody do this no won't do it and the other won't one do it and you go to my neighbor he has no children probably buy I do not want the trouble to take this child to probate court go into it more humanely by sending men to plant the principles in their bosoms in their own communities there is something about this [really uneasy?] feeling against it all the time [though/they?] some thing it great and good something lacking about it something very deficient in that little scanty bill and hope it will not pass until it is amended and improved and hope the gentlemen be patient and let it be discussed until from morning until evening next day until they get it right.

Motion read again

Wells.

It seems true that there is something wanting to satisfy the minds of counsel in relation to this but I comprehend that thing is wanting the title [no relation to?] the things in the bill it appears all that they want have done would be futile to the provisions in bill I did suppose until this morning they felt anxious they wanted the bill so amended if it could be done come in contact to the laws [of the] United States. Hostilities to it title no relation to it. With regard to appointing of bounds that the United States have already done that and it would be legislating upon grounds the United States already have done and that would not meet the demands in the case. Congress do make preparations for establishment of schools farms who sent there some one with our expectations introduce some one introduce his liquor and degrade himself to the level of this people. How can this be accomplished [in our?] resolution if that were contained in a lawful resolution [it is upon?] a broad basis what could Indian agents do has not the means and ability to do so

every man in territory may with a gun or any other thing purchase them and take them into the bosom of their own families the most suitable place you can find for them better place for them how could find better for the child then comes in the main provisions of the law I care not if he had not a month's schooling under the influence of civilized humanity and he may yet learn to know the God of his fathers. The guardian according to the provisions of law that he if he does not fulfill his duty as guardian he may be released.

Farr

I would like to make a few remarks I cannot see why so much opposition to this bill if the opposition cannot maintain its opposition in one way resort to another I thought it was wisdom to refer the bill to committee. They would not go in for it being referred ~~they~~ now they do not want it to be referred do not stick to the text all the time I want to know what harm in that bill every thing has been said shows that there is an actual good rising out of that bill and for us to send missionaries to those low degraded stinking Utes who wants to do it I do not I would rather buy them into liberty and place them under regulations there prescribed. That they have the same chance and liberty as our own boys. Yet the same gentlemen that voted for four months' schooling note they do not want them about yet straightway we vote our own children 3 months' schooling it is enough for them if I had a child I thought a great deal I would give him 9 months but ~~they~~ they are compelled to give 4 months. Here is a law providing that they shall be brought up in [--?] to education anything degrading mind [llf?] or [existence?] in that bill I have not seen I go in for relieving those poor creatures according to the tenor of that bill according to the tenor of that bill but to appoint agents we have agents how in Iowa trade and traffic with the whites in Wisconsin say they can come here and trade with the whites no law against it but when we go on Indian ground has not been formed into territory then we ~~have~~ are in their ~~hands~~ power.

Pratt¹²

¹² Shorthand is more clearly written than above, which suggests that Orson Pratt was speaking more slowly and deliberately, which would allow Watt time to write more carefully.

As I made the motion I now feel desirous to give my reasons it has been stated by one of gentlemen that has spoken that he was of the opinion that motion for the destruction of bill well I will tell you my sentiments with regard to them know it I have been from the commencement of bill opposed to it for the fact that I do not believe we have the right to legislate upon the subject and have made all my motions previous to this last one for the intention of destroying the bill if possible in that I believe in the philanthropic principles that exists in bosoms of members towards that race I believe in same principles use every means in power to benefit the Indians I do believe that the argument that I have already presented is that is this it is something that is certain in my mind that if the United States have passed laws prohibit us from taking the course we are now about to take then certainly there is no gentleman but what would admit it hence we have no right to make laws in opposition to their laws on the other hand if they have not made any such laws we have right to purchase every Indian [woman/man?] child [woman/man?]¹³ throughout this territory without enacting first sentence of law upon the subject [if/for?] the United States have not made laws upon the subject I ask what benefit would it be to enact a law in this territory to have right to go and bathe in Salt Lake they having that right unless they have been prohibited by another law these are the grounds I have taken and the objections raised against that it is unnecessary to enact laws to buy but necessary¹⁴ to enact laws to govern them after they are purchased for they are free they are purchased without law and they are free and our laws would have tendency to bind them it has been argued that they are about to be made slaves cannot be made slaves unless by law made such no person in this territory can purchase an Indian woman child and make them slaves without law no danger hence I see no necessity of this assembly making a law upon this subject we have or have not right if we have that right law will not make it no more right [if/for?] we not have a right we have no right to make law infringing upon the United States why have they sent agents why have they this territory shall not be recognized among them but be separate government because of this sent their

¹³ *Man* and *woman* are both written *mn*; there is no way to determine which word is, though *man* is usually written with a different symbol. Phrase could also be read *woman child woman*, unintentionally repeating woman. Note below he only refers to *woman child*.

¹⁴ Transcribed *necessary* from context. Word could also be read *unnecessary*; the difference between *necessary* and *unnecessary* is the initial vowel, which Watt often omitted.

servants here to take charge of Indian population this shows that they have the sole jurisdiction of that business.

The reason why I made my next motion I go in for them to make agents make treaties appointing boundaries of their lands and making all regulating this affair and let those petty [servants?] sent from Washington go home again

carried away with those petty affairs [if/for/few?] [righted?] things come out the law go and take them under our control if anything is to pass I want the Woolley act to pass.

Afternoon January 27 1852

[satous?]¹⁵ and large Indian tribes etc. Pratt move that the first section of bill be struck I beg leave to make a few remarks. In relation to this bill previous to passing it in any form heretofore I have acted not because I were in position in facts made by Congress in relation to the Indian tribes because I never was a lawyer nor studied these matters acted upon best light I had upon subject but during few moments of intermission I have examined so far as to confirm me in position we have taken in regard to that bill that we have no right whatever to make the first law with regard to trading with the Indians even for a second that this legislature have no right the first section which I will refer the council to ~~is~~ is in act passed last winter February 27 1851 section 7th and be it further enacted that all and is now in force regulating trade and intercourse with the Indian tribes or such provisions of same as may be applicable shall be and the same are hereby extended over the tribes of Indians in territory of Mexico and Utah. That is just as binding upon the territories of New Mexico and Utah as upon any other nations of Indians we will now appeal to the minds of Unites States which I can point out more than 50 instances where the United States have assumed the exclusive right to regulate trade and intercourse with the Indian tribes the first I will refer is article [inserted above line: 9th] ~~made~~ with the Cherokees if I mistake not. "The United States shall have the sole and exclusive right" now pass to numerous sections upon the same subject we will take the Pawnee tribe next on 280 page. The same thing is in another article serving the [Otoes?] and Missouriis article 3^d 334 page any of these articles which I might refer to 50 on same subject the United States claims the sole and exclusive right to regulate the trade with the Indians matters not

¹⁵ Written: s (or st), a (as in at), t, ow (as in cow), s.

where they live if the gentlemen argue there must be a treaty previous to these laws being binding then why did United States extend these laws over this territory it would have been folly and nonsense for them to have said they shall be regulated by law governing tribes. We not the right to purchase skins furs and ponies much less have we the right to purchase their persons and if we pass a law of this description unless some controlling law power that directs the mind of Congress they will repeal it if they should repeal it will this tendency I fear not their repeals look for the welfare and benefit of people here if we pass laws to be repealed and every [--?]¹⁶ will be repealed will cause them to look to this territory with a jealous eye when they see us in the face the eyes of law after law article after article pertaining to the Indians where they assume the exclusive right of making laws to regulating trade and we get up laws not to purchase ponies but the Indians themselves I observe another thing in reading these laws that the United States recognizes them as independent and separate nation and they have just as good a right to enact laws to buy the white citizens upon these lands and make them serve 20 years as we have to make laws concerning them inasmuch as they are separate nation it has already been conceded by the gentleman that the United States have ~~their~~ this exclusive right consequently I do consider it though we may say we will perform the act yet I do consider it as inexpedient all things may be lawful all things are not expedient.

The bill was referred to a committee on Indian affairs. By a unanimous vote. Daniel H Wells chairman.

[line drawn across page]

An act in relation to service was read. Moved by Orson Pratt that the bill be rejected in toto The bill was read by sections. First section read. Second section read third section

Pratt

I am opposed to that section and wish to make a motion in relation to it but previous to making it I beg leave to state my views in regard to

¹⁶ Written: *r, s, n, bt or bd, b, l.*

slavery of the African race it has been considered by almost every state and territory that slavery was a great evil I presume that almost all the slave holders in south look upon it as an evil and as a very great evil consequently it is not merely the white headed abolitionist of north that considers this but it is the individual whose fathers entailed upon them this evil that considers it in such point of view though they may [be] in possession of thousands dollars of human flesh they have conscience to know it is a great how get the curse of slavery out myself not prepared to say slavery does not exist here we are not under the necessity of legislating and designing plans to get rid of evil but we stand in same relation to fore fathers that introduced slavery into the southern states they pirates that went to Africa purchased Negros and made them slaves in United States they introduced the evil and who is the most under condemnation the children that have this evil riveted upon them and know nothing of the manner to get rid of it or the individuals that introduced [it] in into the country every body reflects upon the individual that introduced this abominable tyranny are the individuals most responsible before God shall we then assume the same position in this our young and flourishing territory that those pirates that trafficked in human blood and pulled the slave from his native land tore him from his wife children and bound him out in foreign country to serve there all the days of his life shall we introduce this evil in our midst no I hope wisdom light and intelligence enough within the bosoms of this honorable council to spurn the idea indignation it has been argued that the curse brought upon them by the Almighty admit it has there not been many curses pronounced upon certain nations and people by Almighty and when other people step in and inflict that curse upon [them] have they not been cursed for doing yes there may be curse upon a people and ~~that~~ when that ~~is~~ curse is pronounced by the authority of the priesthood [of the] Almighty unless he designates the individuals to inflict it they come into condemnation if inflict it example we will take one of the first individuals that committed crime

we will take Cain the Lord cursed him with a mark [he?]¹⁷ did not curse him to slavery but cursed him with a mark and no doubt he had forfeited his life for laws of God same as now by slaying his brother but sir were the brothers of Cain those that were then numerous upon the earth were they justified in stretching forth their hands to put Cain to death Lord upon this subject [note?] whosoever slayeth Cain vengeance seven fold¹⁸ here then we perceive a curse may be put upon a man and by the authority of Almighty and if an individual undertakes to inflict that upon without being commanded by the same individual that put the curse there exposes himself to vengeance some people carried out then supposing that Noah after having been intoxicating¹⁹ that they should serve Shem and Japheth he did not Shem to bind him down in servitude they have taken that upon them to do this thing to execute the curse of Almighty upon that race without being commanded to do it and they will have to be punished for rising up and inflicting this curse upon descendants of Adam as one example Israel by their transgressions subjected themselves to curse as nation their transgressions exposed them to some [severe?] curses²⁰ ever upon the human family what were they not [only?] disease sicknesses and death dispersion disasters tongue cannot name they were to be cursed by all the nations of earth and buy them and sell them as bond men and bond women notwithstanding it was pronounced by the authority of Almighty placed upon ~~them~~ by the everlasting priesthood that does not justify that lives to lay their hands upon Israel neither does to lay their hands upon descendents of Canaan those very nations that inflicted this curse pronounced upon Israel have to be called to account and vengeance taken upon the gentiles double the the Lord has to turn the iniquities upon their own head and we have numerous example of this in the dealings of the Lord with different nations by because of curse pronounced upon them look at Nebuchadnezzar that was called the golden emperor who stretched out his

¹⁷ May also be an ink blot or crossed out word.

¹⁸ See Genesis 4:15.

¹⁹ See Genesis 9:20-27.

²⁰ Probable intent is: *some of the most severe curses.*

hands and brought them in subjection the prophets told Israel that Nebuchadnezzar should come upon them and lead them away captivation into Babylon it came to pass was Nebuchadnezzar justified no sir he was not neither was his nation justified but because they did it because they executed the fierce wrath of Almighty upon Israel notwithstanding they should be the very individuals yet they did it without being commanded by the Almighty yet they did it destroyed them up and thy visage of it be seen why because they inflicted curse upon that people they done it without an authority shall we assume the right without the voice of Lord speaking to us and commanding us to

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slavery into our territory shall we be guilty of taking our own flesh and blood though there may be curse upon them shall we introduce into this young and flourishing territory the states look upon us as tyrants slavery is a great evil we would that we were rid of this great evil and when they saw us voluntarily stretch forth hands and introduce it into a territory where it does not exist they would blush for shame even the slave holder would when we have the privilege of keeping it out I will admit we have the right to introduce it here this is not to be disputed the expediency of thing [when/n?] in situation we are legislating in capacity of people who desire to serve God in capacity be the most benefit to nations abroad is it not known to this honorable council the light in which slavery is looked upon by almost every enlightened nation or heathen they look upon it with disgust they may be individuals in those countries that are starving to death in their midst they look upon binding a man for life to bondage and slavery they look upon it in different light from what many others look upon it they consider it one of worst of evils do not we wish to have influence among them for the sake of their salvation we wish to find access to parts of Europe to first men of Europe and be the means in the hands of Almighty to bring them to the knowledge of truth we believe is not this our desire and intention where in can be expedient for us to suffer slavery to come into this territory when we can vote it would not be and sign to keep it out why it would give us a greater influence among the other nations of earth and by that means ~~slave~~ save them shall we hedge up the way before us by introducing this abominable slavery no my voice shall be against it from this time until the bill shall pass if you are determined to pass it I look for the welfare of nations abroad ~~that have~~ who will never hear the gospel of Jesus Christ if we make a law upon this subject I know their feelings upon this subject I have conversed with ~~them~~ many nations upon the subject of slavery and I do know their hearts are bound against it Paul ceased

off eating meat²¹ because he desired the salvation of his brethren shall we not desire the slavery²² of inhabitants of Great Britain and inhabitants of world so much as to keep slavery out of our midst [whereas?] no slaves come in our state or territory in a [--?]

I venture to say all the Negroes come here never have power in this territory to that degree make our laws reach after them and feel after them and take hold upon the same as every other citizen come here in this territory but idea of making one man accountable for another by bonding him 2000 dollar [bonds?] some thing I do not believe in and should not [passing?] a legislative assembly that make the pretentions as we do as a people if black man comes into this territory and transgressing those laws we can make him smart for it and we must be weak and poorly indeed if we cannot make the law to bear upon all that come in here

if we are commanded by the Higher Power by the Almighty to inflict the curse upon the poor outcasts of Cain justified in doing Israel the Lord had commanded them to destroy the Canaanites from the land certain nations came up from a far country with a lie in their mouths and their lives was forfeited they had been commanded to destroy those nations a covenant was made by the higher authorities of Israel found they were ~~they~~ their neighbors did not destroy them but placed them in slavery for instance we will take these Africans it is not because of the sins [of the] present race of Africans they are damned to slavery sins of fore fathers the same as poverty and distress is bequeathed to the generations of drunkard it comes upon them in that light very well shall we take then the innocent African that has committed no sin and damn him to slavery and bondage without receiving any authority from heaven to do that they and their children shall be servants to us and our children the idea is preposterous in my mind and I feel most indignant when I think that we as a new territory after we ourselves have been damned to slavery in states but came out here to enjoy the religious for us

²¹ See 1 Corinthians 8.

²² Obvious intent is *salvation*.

to bind the African because he is different from us in color enough to cause the angels in heaven to blush let
me
my garments be clear from this Mr. President