

[In consequence of our publishing the Constitution of the State of Deseret and the memorial to Congress in our last week's issue, the proceedings of the Convention on the Tenth, Eleventh and Twelfth day (Feb. 29 and March 1 and 2) were crowded out, and we were compelled to postpone their publication until this week.]

## TERRITORIAL CONVENTION.

### TENTH DAY.

#### Thursday Morning.

Convention met at 10 a. m.

The President appointed Messrs. Cannon, Thatcher, Young, Caine, Tyler, Fitch, S. S. Smith, Fuller, and Warburton, a committee to draft Memorial to Congress.

Article 4, on the Legislative Department, was taken up for reconsideration and finally adopted.

The report of the committee on the Executive Department was taken under consideration in convention, and disposed of as far as the 13th section. Pending the discussion of the latter section, which, on motion, was recommended, convention took a recess until 2 o'clock.

Convention resumed its sitting at two o'clock.

A motion to reconsider the vote to refer Sec. 13 of article 5, Executive Department, to the committee of the whole, prevailed.

On motion of Mr. Thurber, Sec. 13 (printed bill) was adopted.

Article 5, Executive Department, was adopted, and on motion of Mr. Richards, the motion adopting article 5 was reconsidered, and the motion to reconsider laid on the table.

On motion of Mr. Fitch the motion to refer the article on Judicial Department to the committee of the whole was rescinded and said article was taken up in convention.

Said article on Judiciary Department elicited much earnest discussion.

A proposition to refer the same to a committee of seven was lost. Another motion to refer the same to the committee of the whole was lost.

Several amendments were made. Mr. Cluff was added to the committee on engrossing.

Adjourned till 7 p. m.

#### Thursday Evening.

Convention re-assembled at 7 o'clock.

Article 6, Judicial Department, was taken up and on motion of Mr. Barnum the following words were added to Sec. 6, "And the Legislature may provide by law for an alteration of the boundaries of the Judicial Circuits as herein prescribed, and for the election of the Judges therein by the qualified electors of the respective circuits."

Sections 2, 3, 4, 5 and 6 of amendments to article 6 were adopted.

Several sections were stricken out, others amended, and the article was finally adopted.

Mr. Fitch moved to reconsider the vote by which the article was adopted, and also moved that the motion to reconsider be laid on the table.

Adjourned till to-morrow.

### ELEVENTH DAY.

#### Friday Morning.

Convention assembled at ten o'clock. The committee on miscellaneous provisions handed in an additional section, which was appropriately referred.

The 7th article of the constitution, being the report of the committee on impeachment and removal from office, was read, section by section, and, on motion, was adopted by the convention. Motions to reconsider and lay on the table were adopted.

The 8th article of the constitution, being the report of the committee on municipal and other corporations, was read section by section, and after some trifling amendments had been made the report was adopted. Motions to reconsider and lay on the table were also passed.

Article 9 of the constitution, being the report of the committee on finance and State debt, was next considered. Section 3 was stricken out, various amendments were made in the other sections, when the article was adopted. Motions to reconsider and lay on the table were also passed.

Article 10 of the constitution—the report of the committee on taxation, was next discussed, amended, and adopted. Motions to reconsider and lay on the table were also passed.

The report of the committee on edu-

cation, being the 11th article of the Constitution, was next considered. Section 2, which excluded criminals from the benefits of the educational system which may be provided by the future State, was stricken out, it being the sense of the convention that they more than any other persons needed education. The report, with motions to reconsider and lay on the table, were then adopted.

The report of the committee on militia, article 12 of the Constitution, was the next in order. Section 3 was stricken out, and the report was adopted. Motions to reconsider and lay on the table were passed.

Article 13 of the Constitution, the report of the committee on public institutions, was read, section by section, and passed. Motions to reconsider and lay on the table were also adopted.

Article 14 of the Constitution, the report of the committee on boundary, &c., was next discussed. The boundary of the new State, proposed by the committee for the future State, was the one proposed in Congress, by Mr. Sargent, of California, which takes a portion of territory from Idaho, Wyoming and Arizona, all of which once belonged to Utah Territory. The proposition was discussed, and, although that boundary was considered a very desirable one, a substitute, offered by Mr. Fitch, proposing that the boundary of the State of Deseret, if Utah be admitted, should be the same as that of the present Territory of Utah, was accepted.

The convention took a recess until 2 o'clock.

### ELEVENTH DAY.

#### Friday Afternoon.

The convention reassembled at 2 p. m., article 15 of the constitution, Miscellaneous Provisions, being under consideration.

Sections 1, 2, 3, 4, 8, 9, and 15 were stricken out.

The words "but no appropriation for the erection or purchase of capital buildings shall be made during the next two years," were stricken out of section 5.

The last clause of section 10 was stricken out.

Sections 11, 13 and 14 were adopted. Section 12 was amended and adopted. Convention took recess till 7 p. m.

#### Friday Evening.

The convention resumed its sittings at 7 o'clock, article 15 being under consideration.

Another section was presented and adopted.

Article 16, Amendments, was taken up, amended and adopted.

The convention went into committee of the whole, Mr. Rockwood in the chair.

Article 17, Schedule, was considered, amended and adopted as far as section 22.

The committee arose and the convention adjourned till Saturday at 10 a. m.

### TWELFTH DAY.

#### Saturday Morning.

The convention resumed its session at 10 a. m.

Mr. Akers offered the following resolution, which was unanimously passed:

*Resolved*, That the members of this convention hereby declare:

First.—That the Legislature of the proposed State of Deseret should, if the same be admitted to the Federal Union as a State thereof, provide by suitable legislation for the absolute freedom of the ballot.

Second.—That the right of the citizen to express his will at the polls freely and without surveillance is a sacred privilege which should never be called in question.

Third.—That no law should ever be enacted by the legislature whereby any elector may be intimidated or in any manner restrained in the free exercise of the elective franchise.

The convention then resolved itself into a committee of the whole by unanimous vote, and reconsidered section 5, of article 11, of the Constitution. The remaining sections of the report on schedule, article 17 of the Constitution, were considered, amended and adopted.

The committee arose, reported progress, and the convention adopted article 17, and the last article of the Constitution, in relation to the delegates by whom the Constitution was to be transmitted to Congress.

A motion, nominating Hons. Geo. Q. Cannon, Thos. Fitch and Frank Fuller for the latter purpose, was passed unanimously.

The convention then adjourned un-

til 7 o'clock this evening, when its final sitting is expected to be held for the consideration of the memorial to Congress.

#### Saturday evening.

The convention reassembled at 4 o'clock and held its final sitting.

A resolution was passed, offered by Mr. Fitch, requesting measures to be promptly adopted for taking the census of the several counties of the Territory.

The memorial to Congress was presented and read to the convention by Mr. G. Q. Cannon.

The following, offered by Mr. Cannon, was unanimously adopted:

*Resolved*—That this convention hereby express their thanks and warm regards to General E. M. Barnum for the able, dignified and impartial manner in which he has discharged the duties of president of this convention.

Before the proceeding motion was put

#### MR. FRANK FULLER

Spoke as follows:

Before that motion is put I would like to say a single word. I am aware that a discussion of this question is entirely unnecessary. That it utters, in fitting phrase, the sentiment of every heart, is manifest. But you will bear with me, while from the abundance of my heart my lips frame a few simple sentences as we go out from this scene of labor to the lifework before us. By the voice of the people, certain important duties have devolved upon us, and we have sought to discharge these duties with such measure of ability as we possess. That each and every gentleman present has been actuated by the desire to discharge his duty here honestly and with an eye single to the welfare of the people is, I think, safe to assert, "even our enemies themselves being judges." That in the seventy hours we have spent in our actual sessions, little time has been expended in mere technical quibbles, is evident from the large result of our work. That we have brought to our labors that earnestness without which all duty becomes onerous, and all toil a burden, is apparent to every gentleman. How much we have been indebted for our rapid execution of business to the delicacy, the sound judgment and the thorough tact of our presiding officer cannot be told in words. That he has been impartial all will testify; that he has by prudence, watchfulness, and uniform courtesy largely facilitated the work of the convention I am proud to certify; and I am sure I echo only the general sentiment when I assert that his impartial course has won for him a place in all our hearts.

Gentlemen, I want to say for myself that, at this moment, when our work is completed, while we may feel that it may not be perfect, as perfection is rarely given to the result of human effort, it is at least the result of our most conscientious thought. Looking back on our labor we may wish it were better done, for

"The noblest works of human art and pride, Show that their makers were not satisfied."

But I hazard little in the opinion that the instrument which we have drafted within these walls is destined to become the basis of the future State government. It may not be this year, although I have never doubted that it would. It may not be next year, but it will come; and the great, and strong and all-absorbing reason which I give for this belief, is that our work has been, as I conceive, wisely done. For myself I want to thank every gentleman present for personal courtesies to me. (Applause.)

A resolution offered by Mr. Candland, was passed unanimously, tendering thanks to the secretaries and officers of the convention, the DESERET NEWS, and Salt Lake Herald, for their kindness in supplying the convention with their papers daily; the ministers who had attended to offer prayer in the convention; and the Mayor and city council for the use of the hall in which the sittings of the convention had been held.

#### MR. AKERS.

I rise, Mr. President, for the purpose of renewing a resolution offered, on the first day of the session of this convention, by one of my colleagues who is not now on the floor. It is that this convention do now adjourn sine die. If I can meet with a second, I have a remark or two to make on this resolution.

The resolution was seconded, and Mr. Akers proceeded:

Mr. President, I make this motion in a very different spirit from that in which it was offered by my colleague who is not now present, but whose motives I do not propose to criticize.

We have been present in this hall for two weeks, and while it has been my fortune or misfortune as it may be, to participate in the proceedings of many deliberative bodies, I must say, before I vote upon this motion to adjourn sine die, that I have never been associated with any set of men having the great majority of votes, who have displayed the same amount of liberality towards the minority that has been displayed by the majority of this convention. I am willing that the work of this convention shall go before the world to be judged upon its merits.

During my residence in this Territory, I have heard much said in regard to the disposition of the people who compose the

majority to ignore the rights of minorities; but I believe that the proceedings of this convention will afford, not only to the people of this Territory, but to the whole country, a positive proof that no people in any part of this land are more inclined to accord to the minority the rights that properly belong to them, in fact that principle has been embodied in the constitution itself.

Now I know, Mr. President, and gentlemen of the convention, that no people, in this life, I care not what may be their religious or their political faith, whether they are in the majority or in the minority, can expect to escape misrepresentation. If you had the wisdom of Ulysses, the patriotism of Washington, and the purity of an angel of light, you could not expect in this world to escape opposition and persecution. God incarnate, on a mission of mercy in the world, was persecuted, and whatever your motives may be, however pure, you can not expect to escape it, you might as well try to fly existence. But your work is before the world. You have presented to the Congress a constitution, which I undertake to say will compare favorably with the constitution of any State in this great confederacy of States.

I do not know Mr. President, and gentlemen of the convention, whether I shall live to see the State of Deseret a star in the galaxy of this glorious sisterhood; I do not know what your condition will be ten years hence; but if we contrast the present condition of Utah with what it was ten years ago, we may calculate upon what it may be ten years hence. I believe twenty-five years have passed since your arrival in this great valley. Since you crossed the Great American Desert what else has come here? Wealth and refinement and luxury are now here. Schools and colleges, and the pulpit and the press, and the railroad and the telegraph are here—the mighty genius of the 19th century is here, with all that pertains to it, and if you make only as much progress in the next ten years as you have in the last twenty-five years, what will your condition be?

My own belief is that the one great want of this country is a State government. Let every man here feel that he is a free man; let him feel that this is his government, and it will pour such life and vigor and energy into every channel of industry as will place Utah, within ten years, side by side with the proudest States of this confederacy. Before I give my vote for this resolution to adjourn sine die I felt that I desired to give expression to these feelings. I am not ashamed of the connection that I have had with this body; and if we succeed in the work which we are attempting, and I verily believe we shall succeed, there will be no occasion for any gentleman who has labored in this convention ever to feel ashamed of this work.

Mr. President, I hope I shall hear from others, I am so hoarse I cannot talk upon this subject. What I have said comes from a head and heart full of admiration and love for my government; and overflowing with desire to see the star of Deseret in the constellated sisterhood of States.

Mr. Buel made a humorous speech and was followed by

#### MR. FITCH.

Who in reply to numerous calls addressed the convention as follows:

Mr. Chairman—I have heard the expression used two or three times this evening, of "a majority and a minority of this convention." I do not exactly understand what it means. We are all in a majority and we are all in a minority; we are all in the majority in that we are all agreed, with one exception—a gentleman who is now absent—upon the proposition for which we were called together,—the formation of a constitution of State government for the people of the Territory of Utah, with a view to obtaining admission into the Union. We all belong to the majority party on that proposition. In another sense we all belong to the minority, for those propositions which have been advanced by the enemies of a State government, those propositions which they claimed would be in a minority in this convention, have all been adopted.

This convention has provided in the constitution for minority representation; it has adopted impartial suffrage; it has declared for educational facilities being extended to all, without distinction of color, race, religion or citizenship; it has provided for the great and growing interest of this community by giving the mining interest an advantage over the agricultural, in that only the proceeds of the mines can be taxed; it has provided for a three-fourths verdict in civil cases; and generally it has placed in the constitution everything which has been asked for by those who call themselves the minority party and who have steadily asserted that this convention would fail to recognize what was called "the American idea of government." The minority has in these respects, found itself in a majority.

Sir, I agree with my colleague from Salt Lake, Mr. Akers, also with my colleague, Mr. Fuller, in the proposition that this constitution will hereafter serve as the constitution of the State of Deseret, when ever admitted, and I further believe that the State of Deseret will be admitted into the Union. Gentlemen say, "If not now, next year; and if not next year, then the year after." I believe not hereafter, not "next year," but now (applause).