

prema Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Deseret, including all the territory of the United States within the following boundaries, to wit: Commencing at the 33 degree of north latitude, where it crosses the 108 degree of longitude west of Greenwich; thence running south and west to the boundary of Mexico, thence west to and down the main channel of the Gila River (or the northern line of Mexico), and on the northern boundary of Lower California to the Pacific ocean; thence along the coast northwesterly to the 118 degree 30 minutes of west longitude; thence north to where said line intersects the dividing ridge of the Sierra Nevada mountains; thence north along the summit of the Sierra Nevada mountains to the dividing range of mountains that separate the waters flowing into the Columbia from the waters running into the Great Basin; thence easterly along the dividing range of mountains that separate said waters flowing into the Columbia river on the north, from the waters flowing into the great basin on the south, to the summit of the Wind River chain of mountains; thence southeast and south of the dividing range of mountains that separate the waters flowing into the Gulf of Mexico from the waters flowing into the Gulf of California, to the place of beginning, as set forth in a map drawn by Charles Preuss, and published by order of the Senate of the United States in 1848."

The Constitution provided that the seat of government should be at Salt Lake City, and the other provisions were not essentially different from constitutions of our day. The election of officers for the provisional state government took place at Salt Lake City, on Monday, March 12th, 1849, when the following ticket was elected:

Brigham Young, Governor; Willard Richards, Secretary; Newel K. Whitney, Treasurer; Heber Kimball, Chief Justice; John Taylor and N. K. Whitney, Associate Justices; Daniel H. Wells, Attorney General; Horace S. Eldredge, Marshal, Albert Carrington, Assessor and Collector; Joseph L. Heywood, Surveyor of Highways. Almon W. Babbitt was appointed a delegate to Washington, to present the public documents to Congress with credentials as delegate to the House of Representatives from the provisional State of Deseret, and late in the year 1849 he arrived at the nation's capital, and procured the presentation of the documents to the United States Senate by Hon. Stephen A. Douglas on the 27th of December of that year. The House of Representatives, however, declined to admit Delegate Babbitt to a seat in that body. The committee on elections, in its report upon his petition asking to be admitted, said:

"The admission of Mr. Babbitt would be a quasi recognition of the legal existence of the State of Deseret; and no act should be done by the House which, even by implication, may give force and vitality to a political organization extra constitutional and independent of the laws of the United States."

The committee, therefore, recommended the adoption of a resolution

stating that it was inexpedient to admit Mr. Babbitt to a seat in the House as a Delegate from the "alleged State of Deseret." By a majority vote the resolution passed, and Colonel Babbitt was accordingly denied admission. The Senate, however, after a delay of nearly nine months, on September 7, 1850, passed a bill providing for the organization of the Territory of Utah, and two days later the bill passed the House and was approved by President Fillmore. This was the origin of the "Organic Act," under which our Territorial government has been conducted literally from that day to this.

The second effort for Statehood was made through the Legislative Assembly of 1854-5. It was the fifth annual session and convened at Fillmore, in Millard county, then the capital of the Territory. Heber C. Kimball was president of the council, and Jedediah M. Grant, speaker of the House. The Legislature passed an act authorizing an election of delegates to a Territorial Convention which was to prepare a state constitution and memorialize Congress for admission into the Union. The convention assembled at Salt Lake City, on March 17th, 1856. Ten days later the Constitution and Memorial were adopted, and Hon. George A. Smith and John Taylor were elected delegates to present the same to Congress.

The delegates proceeded to Washington, and presented the Memorial to Congress, but the record makes no mention of any action thereon.

The third movement for Statehood began early in December, 1861. On the 9th day of that month the Utah Legislature convened in regular session at Salt Lake City, and organized by electing Daniel H. Wells president of the Council, and John Taylor speaker of the House. At the beginning of the session a bill was introduced for an act providing for a convention of delegates for the formation of a constitution and state government. The bill being passed by both branches of the Legislature, was presented to Governor Dawson, and by him vetoed. The Governor gave as his principal reason for disapproving the measure, that the time intervening between the passage of the act and the date fixed in the act itself—January 6th, 1862, so which to take the sense of the electors of the Territory for or against a state convention, was too short to allow due notice to be given to the people, or for the act to be officially submitted to Congress prior to the election of delegates to the convention, or the holding of the convention itself. On the other hand the Legislators, and the people generally, held that it was not necessary to first submit the act to Congress in order to render it operative, so far as holding a constitutional convention was concerned. The Legislature was, of course, powerless to do more in the premises, but the people convened in mass meetings on the 6th of January, and elected delegates to a state convention, to be held at Salt Lake City, on the 20th. In the meantime Governor Dawson left the Territory, and Secretary Fuller assumed the duties of the Executive. Among the Legislative measures that received the sanction of Acting-Governor Fuller, was a memorial to Congress, asking for the admission of Utah into the Union. On the

20th of January the State Convention assembled at the County Court House, in Salt Lake City, and organized by the election of the following officers:

Daniel H. Wells, president; Wm. Clayton, secretary; Patrick Lynch and Robert L. Campbell, assistant secretaries; and Robt. T. Burton, sergeant-at-arms. The convention was composed of sixty-seven delegates, and closed its deliberations on January 23rd, after having formulated a Constitution for the State of Deseret and a memorial to Congress, praying for admission into the Union, and having nominated for an election to be held the following March 3rd—Brigham Young to be Governor, Heber C. Kimball, Lieutenant Governor, and John M. Bernhisel, Representative to Congress for the proposed State of Deseret. The election was held on the day appointed. The Constitution was unanimously adopted by the people, and the officers named elected. An election for Senators and Representatives of Deseret occurred simultaneously on the 15th of April, pursuant to proclamation by the Governor-elect.

The first general Legislative assembly of the proposed State convened at the Council house in Salt Lake City. Following are a few paragraphs from Governor Young's message delivered to the Assembly:

"In a republican government like ours I hold that both justice and consistency require that citizens in territories, however few in number, should at least have not only a voice, but also a vote in the representative branch of the general government, a vote or the Chief Magistrate, and their choice in the officers appointed by him, except perhaps, the secretary and judges and other law officers, so far as their official acts are exclusively restricted to business pertaining to the United States as a party; and still more just and consistent would it be were the people allowed one representative in Congress and to elect all their officers with the exceptions already named. And then, when the people in a Territory properly express their wish to assume the responsibility and expense of a State government, upon their presentation of a constitution republican in form, with a petition for admission, the Declaration of Independence, the Constitution, justice, and the most ordinary regard for the rights of their fellow citizens, all combine to counsel Congress to cordially welcome and at once admit that Territory into the family of States, regardless of the number of its population. California, occupying, like Utah, territory ceded to the United States by the treaty of Guadalupe Hidalgo, February 2nd, 1848, and having passed a short period under what may be called a military-civil government, met by her delegates in convention, formed a constitution, ratified it on the 13th of November, 1849, by a very unanimous vote, and at the same time elected a Governor, Lieutenant-Governor, members of the Legislature and two members of Congress." On the 15th of December next after the general election, the Legislature organized, proceeded to elect the State officers made elective by the constitution, two senators to Congress, and to legislate upon such matters and in such manner as in their judgment cir-