

circumstances required. Thus California, without having undergone a territorial pupillage, stepped at once upon the platform of state action, and was admitted into the Union on the 9th of September, 1850, and that, too, as constitutionally, lawfully and properly as any other state has been admitted, having "a substantial civil community and a Republican government."

"On the 1st of September, 1849, the day the convention began its session, the largest number claimed by California was some 43,000, a number probably about one-half the present population of Utah. I think this places us comparatively on a very respectable footing as to numbers, and do not see that anyone can consistently object to the larger number using what was sanctioned on the part of so much the lesser number. It may also be proper, in order to verify an historical event, to here remark that the sudden increase of population in California in 1849, from the best information I have, was chiefly due to the previous first known discovery there of gold by members of the Mormon battalion, which battalion also very efficiently aided in wresting from Mexico that fertile and valuable region. Again the census of 1860 shows the population of Oregon to be 52,564, and she enjoys all the blessings and privileges of state government, on an equality with her sister states."

An adjourned session of the Assembly was held on April 16th, when other states officers were chosen as follows:

U. S. senators to Congress, Wm. H. Hooper and George Q. Cannon; secretary of state, Daniel H. Wells; treasurer, David O. Calder, auditor of public accounts, Wm. Clayton; attorney general, Aurelius Miner; chief justice, Elias Smith; associate justices, Zerubabel Snow and Seth M. Blair.

Senator-elect Hooper set out for Washington on the 26th of April, 1861. His colleague, Senator-elect Cannon, who was in Europe at the time of his election, joined him at the capital, and Dr. Bernhisel was already at the seat of government, having been elected to represent the Territory as delegate the previous year. Despite every favorable indication, this effort for statehood also failed of success. The constitution and memorial carried to Washington by Senator-elect Hooper, were presented in the House of Representatives by Delegate Bernhisel on the 9th of June, and in the Senate by Vice-President Hamlin, on the day following. At the same time Mr. Latham of California, moved that the constitution and memorial be printed, and that the Senators-elect be admitted to the floor of the Senate. The motion was referred to the committee on Territories. Next day Mr. Latham offered a resolution to the same effect which was laid over. No further action was taken with reference to statehood; but instead, Congress passed an act to punish and prevent the practice of polygamy in the Territories and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah.

The fourth attempt for statehood for Utah occurred in 1867. The Legislature held in January of that year, passed an act in which it was provided that at a special election to be held on the

first Monday in February following, a representative to Congress for the State of Deseret should be chosen and the constitution of the state, with certain amendments thereto, be submitted to the people for their ratification or rejection. The principal amendment proposed was with reference to the western boundary line of the State, which was fixed to conform to the western boundary line of the Territory as defined since the taking of a portion of the Utah's domain to form a part of Nevada, which occurred in 1863. The election was held on the appointed day, nearly 16,000 votes being cast. The amended Constitution was adopted, and Hon. Wm. H. Hooper was chosen representative to Congress for the State of Deseret. But Congress did not confer the State government asked for and the accompanying memorial asking repeal of the anti-polygamy act of 1862 was denied.

The fifth endeavor was made in 1872, when the Legislature in January passed a bill providing for a Convention to adopt a state constitution and submit it to the people. Jan. 27th the proposed act was vetoed by Governor Woods, whose message was an extended criticism of the Legislature for passing it. The lawmakers, however, proceeded to effect their purpose by immediately adopting a joint resolution containing the provisions of the vetoed bill. The Constitutional convention, which consisted of one hundred and four delegates, met in Salt Lake City, February 19th, 1872. In the nominations for delegates to the Convention, which were made at mass meetings distinctions of party and creed were set aside, and of the nineteen delegates from Salt Lake county, nine were non-Mormons. The following named composed the Salt Lake county delegation:

Orson Pratt, Albert Carrington, Aurelius Miner, John Sharp, Albert P. Rockwood, Reuben Miller, William Jennings, George Q. Cannon, John T. Caine, Zerubabel Snow, David E. Buell, Wm. Haydon, Thomas P. Akers, Thomas Fitch, P. Edward Connor, Enos D. Hoge, Frank Fuller, Eli M. Barnum and Hadley D. Johnson. After the election, General Connor refused to take part in the convention, claiming that he was a resident of California. Gen. Barnum was made president of the convention. When the regular order of business was entered upon, the constitution of the state of Nevada was selected as a basis. It was at this point that Judge Wm. Haydon moved that the convention adjourn sine die. He stated that he had been elected to the convention without his consent, and that he was opposed to a state government for the reason that the people had not declared in favor of it by public meetings and resolutions, petitions, etc.; that the population of the Territory was insufficient; that the increased taxation would be an onerous burden on the citizens, and that the convention was called without authority of Federal or Territorial law. The motion led to a long and animated discussion, reaching to the close of the third day's session. The principal speakers were Gen. Buell, Hon. Thomas Fitch, Col. Akers, Hadley D. Johnson Esq., Gen. Barnum, Hon. Geo. Q. Cannon and Judge Haydon. When

a vote was taken, the result was ninety-three to one against the proposed adjournment.

It was during the consideration of this motion on the second day of the convention, that Mr. Fitch delivered a speech which made him famous in Utah, giving an elaborate review of Utah affairs, and advocating a concession by the majority regarding the practice of polygamy. He made an impassioned appeal to the delegates to incorporate in the Constitution they were about to frame a provision in harmony with what he believed to be the urgent necessities of the situation, and argued that there was no safety to the people of Utah without a state government, and that they could have no state government without making concessions. Following is a brief excerpt to show the line of his reasoning:

"I am not here to attack polygamy from a theological, moral, or physical—but from a political standpoint. Certainly I do not propose to question the pure motives or the honesty of those who believe in and practice it. I am inclined to agree with Montesquieu and Buckle that it is an affair of latitude and climate and race, and on these grounds alone its existence among a Saxon people, living in the north temperate zone, is a climatic anomaly. It did not grow out of any structural, or race, or social, or climatic necessities, and if it be, as asserted, the offspring of revelation here, I can only say that it needed a revelation to start it. That it has Scriptural patriarchal origin and example is probably true, but that was in another age than ours, and in a different land. If Abraham had lived on the line of the overland road in the afternoon of the nineteenth century; if Isaac had been surrounded by forty monogamous Yankees; if Jacob had associated with miners and been jostled by speculators, there would, I apprehend, have been a different order of social life in Palestine. The Mormon doctrine may be the true theology, and the writings of Joseph Smith the most direct revelations. The practice of polygamy may be a safeguard against the vice of unlicensed indulgence, and the social life of Utah the most salutary of social reforms. All the advantages claimed for this State, may be actual, but nevertheless the fact exists that polygamy is an anomaly in this Republic, existing hitherto by the sufferance of a people who now declare that it shall exist no longer."

The movement for a state government was warmly supported by all the speakers except Judge Haydon, the maker of the motion to adjourn. Referring to the proposition to surrender polygamy, he entreated the Mormons not to look with favor upon the suggested concessions, and among other things said:

"The peroration of my colleague's speech was mainly confined to appeals to the majority to sacrifice what they call a divine ordinance of their religion for the coveted bauble of state government. Why, what change has come over the spirit of your dreams, that you with greedy ears court the sweet cadence of the pleader's voice, wooing you from Charybdis to be wrecked on the treacherous Scylla? From conversation with many of you, whom I believe to be gentlemen of in-