GEORGE Q. CANNON, EDITOR AND PUBLISHER.

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THE EVENING NEWS



MONDAY, 2 P. M. PRESIDENT BARNUM, on being conducted to the chair, addressed the conven- de., declared in favor of a State governtion as follows:

Gentlemen of this convention, For the confidence and the honor which you, by your vote, have so unexpectedly expressed in me, I return you my sincere thanks. I could certainly have wished that this choice had fallen on some other member of the convention, some vor, while occupying this chair, to dis-charge the duties devolving upon me faithfully, honestly and impartially to every member of the convention; and very much will depend upon yourselves as to the dispatch, order and efficiency with which the work of this convention shall be consummated.

tion shall be consummated. Again I return you my shoere thanks, and hope that if, as a result of the labors of this convention, a Constitution shall be framed and submitted to the people, that in every part and portion of it, in the principles involved

Doorkeepers-John D. T. McAllister and Milando Pratt.

Messengers-Robert S. Campbell and Brigham Carrington. porters-David W. Evans and

John Q. Cannon.

Printer-Angus M. Cannon. Fireman-Rodney Badger. Mr. Fitch offered a resolution that a committee be appointed by the president to wait upon a clergyman of each opening of the proceedings. The res-olution was adopted, and Mr. Fitch, of Salt Lake county, Mr. Jesse N. Smith, of Iron county, and Mr. Thur-ber, of Utah county, were appointed

ing, but for the purpose of placing my. by the formation of a State we are told that most dangerous of all public funcself right with those who sympathize the reins of govern with me. I will take this occasion to pass in the hands of self right with those who sympatuize with me. I will take this occasion to say I was elected a delegate to this con-vention without my approbation of consent, and many knowing that I was government. I will also state that I government. I will also state that I d at once here return my sincere thanks to those

1st-The people of the Territory of Utah have not, through the usual American means of manifesting their wishes-viz, by

2d-The population of Utah does not come up to the standard by the late law of the United States, and asking her admission in direct opposition to a solemn expression of Congress, would be a direct insult to the law-making power, and injurious to favor-able federal legislation in the future. 3d—The sad experience of other States created without sufficient population, has

3d-The said experience of other States of the state of the state of the second decimation of the second state of the one more intimately acquainted with a large majority of the members of the convention. In conducting the busi-ness of the convention, whatever shall be the term of its session, and whatever may be the work performed and the result of our labors it will be my endea-vor, while occupying this chair, to dis-charge the duties devolving upon me faithfully, honestly and impartially to every member of the convention; and

reasons why he was opposed to a State Union.

government and in favor of an adjournment sine die, and would not attempt

further to discuss the question. To the motion and remarks of Mr. Haydon, the following reply was made

portion of it, in the principles involved in it as well as in the language in which it shall be expressed, it shall be such as one as will challenge the approval, not only of the Congress of the United States, if presented to them, but of every portion of the people of these United States. (Applause.) The following officers were elected for the permanent organization— Secretary—R. L. Campbell. Assistant Secretary—L. John Nuttall. Becond Assistant Secretary—John Henry Smith. always taken occasion to express my most hearty concurrence in the object for which we are assembled here to-day, as a Convention. I do not propose to make a lengthy speech, and I make this statement now that I may not be misunderstood; but I do think a resolution of this character, offered with written reasons, ought to be met with some counter statements of reasons on the other side of the question. I think, dent to wait upon a clergyman of each religious denomination in the city, and request them to attend the convention each day, in turn, and offer prayer at the opening of the proceedings. The res-olution was adopted and Mr. Fitch give us a fixed and stable government.

affair; and there are many defects in the committee. Several resolutions were adopted with regard to the order of business, and rules which bear very heavily on a people

here return my sincere thanks to those ladies and gentiemen who honored me with their suffrages for the position which I now occupy. I am opposed to a State government and in favor of adjournment for these reasons: Ist-The people of the Territory of Utah

Now I ballave that there is solution and of that whole question has will be mouth of him judicial character to like official of and honesily to its work of forming constitution, to which we might gees are referred or allower. The state and honesily to its work of forming constitution, to which we might gees are referred or allower. The state and honesily to its work of forming constitution, to which we might gees are referred or allower. The state are proposition of the distribution of the distribution of the state of t forsement of thousands of persons who only know that they desire polygamy shall be destroyed, and who do not ask the price, nor enquire "how many Athenians are in mourning."

Now, why can not the same be done in reference to Utah? If there are in-stitutions here on which Congress may propose to impose a limit, why may they not admit the State on some such fundamental condition, and await the action of the first Legislature of the Mormon or a Mormon sympathizer or

inding the courts and rederal oncers arrayed against the Mormons, have, with pleased alacrity, placed themselves on the side of courts and officers. Ele-ments ordinarily discordant blend to-gether in the same seething cauldrou. The officers of justice find allies in those men who, differently surrounded, with pleased alacrity, placed themselves on the side of courts and officers. Ele-ments ordinarily discordant blend to-gether in the same seething cauldrou. The officers of justice find allies in those men who, differently surrounded, would be their foes, the bagnios and the polygamy, never found a single indict-balls about the facts of the case, but abything about the facts of the case, but he can, nevertheless, put the investiga-tion in motion, by entering a complaint and either producing the witnesses who can establish the facts, or putting the officers of the law in the way of doing excluded because they believed in polygamy, never found a single indict-balls about the facts of the case, but the can, nevertheless, put the investiga-tion in motion, by entering a complaint and either producing the witnesses who can establish the facts, or putting the officers of the law in the way of doing so. It means that it must be upon the indicthells shout hosannas to the courts, the ment for violation of the act of Con-altars of religion are invested with the gress fo 1862, and never, so far known, In the same case

altars of religion are invested with the paraphernalia and the presence of vice. The drunkard spouses the cause of the apostle of temperance, the com-panion of harlots preaches the beau-ties of virtue and continence. All be-lieve that license will be granted by the locders in order to advance their marders committed fifteen or twenty ties of virtue and continence. All be-lieve that license will be granted by the leaders in order to advance their sacred cause, and the result is an im-mense support from these friends of immorality and architects of disorder who care nothing for the license. Judge MoKean and Governor Woods, and the Walker Brothers, and others are The service distance of the service of

Of these forty persons seven were Mor-mons and thirty-three were Gentiles. Each of the seven Mormons was ex-amined on his voir dire, and to the questions of the U.S. District Attor-ney, each replied in effect that he was provision authorizes them to be sworn as witnesses against each other before the grand jury in making the com-plaint. We think, however, that such was not the intention of the Legislature, a member of the Church of Latter day Saints, that he believed that polygamy was a revelation to that church, and that in his own case he would obey the

action of the first Legislature of the State of Utah? For my part I am not afraid to trust the Congress of the United States to pass upon such an Instrument as we may submit to them as the fondamental law for the Size. I must therefore oppose the resolution of my collesgue from Salt Lake. Cont Huel, Another of the delegates from Salt Lake County, made the following re-marks on the same subject: Unlike my collesgue from Salt Lake County, I was not unexpectedly elect. Thus the second proposition of the defeated Cullom bill was established by the decree of Judge McKean. The seven Mormons whom the U. S. Marshal had made a show of summoning were ruled

> In the same case the Supreme Court Manages and deaths in civil actions involving questions of inheritance, the legitimacy of heirs, etc., may often be proven by admissions of the parties, in-

He decided in another case that the court are in the prosecution, of a United States who supposes that the defendants in the provent of the cases of this character now and of the cases of this character now the international in prescribing rules for obtaining juries to try any cases in this court, and in prescribing rules of a great, burning himself for that purpose he declined to mission? would warrant. Thus the direct to issue an open venire to the United States Marshal. Thus the first proposition of the de-

was not a orime, a lerony under the laws of Utah. It was nownere suggest-ed or argued that evidence of a polyga-mous marriage would be offered, or if offered could be received as a defence of the accusation. The motion to quash or compel an election was made before plea, and the Judge in passing upon that motion had no right to do any-thing except to grant or refuse it, and

to express an opinion so far as to give his legal reasons for granting or refusing it What did he do?. He went outside of

the record, he assumed that the defen-dant was guilty before trial. He first denied the motion, giving his legal reasons therefor, and then he used the following remarkable language-

"But let the counsel on both sides, and the court also, keep constantly in mind the uncommon character of this case. The Supreme Court of California has well said: 'Courts are bound to take. notics of the political and social condition of the country which they judicial-ly rule.' It is therefore proper to say, that while the case at bar is called, The People versus Brigham Young, its other and real title is, Federal Authority versus and real title is, Federal Anthority versus Polygamic Theocracy. The govern-ment of the United States, founded up-on a written constitution, finds within its jurisdiction another government, claiming to come from God—imperium in imperio—whose policy and practices are, in grave particulars, at variance with its own. The one government ar-rests the other in the person of its chief rests the other, in the person of its chief, and arraigns it at this bar. A system is on trial in the person of Brigham Young. Let all concerned keep this fact steadily in view; and let that gov-ernment rule without a rival which

County, I was not unexpectedly elect-ed to this convention, for the moment I saw my name on the ticket I knew I would be elected sure. (Laughter.) However, my name was placed there without my knowledge or consent. But Mr. President I am in favor of the adoption of a State government for Utah, for the reason, sir, that I believe it will give us peace at home and charac-ter abroad. (Applause.) Mr. Fitch stated that before the mo-

tion to adjourn sine die was put to the Convention he desired to give his views at some length, in reference to the formation of a State government for Utah, and as the afternoon was far advanced he moved that the Convention adjourn A Territorial establishment is, in its nature, a temporary and transient until 10 o'clock on Tuesday morning. Convention adjourned.

SECOND DAY:

the best ever framed. Mr. Snow, of Salt Lake county, would rather see a constitution framed that would embody the best of all the existing State constitutions, than to take any single constitution as a basis. Mr. Miner presented his resolution because the constitution of Illinois was one of the last framed, and one of the best he had read. Judge Haydon sustained Mr. Fitch's resolution. Mr. J. W. Young, of Washington county, offered a resolution that a hun-dred and twenty-five copies of the con-

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