

ment which every man if he confesses the truth to himself will acknowledge is true, when I say that the whole history of the people comprising the majority of the population of this Territory has been a history of oppression. I do not now refer to the past—to the policy which drove them from State to State, and finally hunted them a thousand miles beyond the border of civilization, into this great valley, inhabited then only by wild beasts and still wilder men. All that I leave out of view, and I appeal to every honest man to state if it is not true in point of fact that the government here is administered now upon principles of harshness rather than upon principles of kindness? I want a State government, because I want to get the machinery of our political system out of these narrow grooves and upon a broader and nobler gauge. For one, I believe in the policy of kindness and conciliation, rather than in the policy of harshness and of force. Force was the policy of a past age, when governments, by an iron hand, bound their subjects into salutary submission. But I think that in this country, and in this age, we ought to inaugurate a new system of policy, a policy of kindness, of conciliation, a policy born of Christianity. I desire to see the laws administered upon that line of policy, and to see what it will do to elevate and improve the condition of the people of this Territory. It is more potential as a means of controlling men than the policy of force. Conciliation always melts the obduracy of man and moulds him to what it will. The worst of criminals, hardened by mere force, is at once subdued by conciliation. The raving maniac, chained to his pillar, rending his garments, and eating his own flesh, is gradually subdued, healed, and harmonized by gentleness and conciliation. The dumb brute, maddened and made stubborn by the good, becomes tractable under kind and gentle treatment. The wild beasts of prey are subject to its authority. With a face of kindness a man can go into the presence of these monsters, can sport with the catamount and the tiger, frolic with the treacherous leopard, thrust his head into the mouths of lions, wind the most venomous serpents around his body and make his pillow on a coil of dragons. And the reason of this lies in the profoundest philosophy of human nature. Force addresses itself to the lowest and meanest instincts of our nature—addresses itself to fear. Conciliation appeals to the highest and noblest attribute of our being—appeals to hope. Coercion commands, conciliation entreats; coercion compels, conciliation persuades; coercion concentrates itself in wrath, conciliation diffuses itself in mercy. Coercion is like the lightning, which strikes the gnarled oak, rending its solid trunk asunder and scattering it in splinters to the ground; conciliation is like the cloud, which baptizes the world with its tears, and bends the bright rainbow of peace over mountains, all rustling with thanksgivings, and valleys of silent beauty, all sparkling with praise.

I want to see a State government, because I desire to see the machinery of our system put upon this elevated plane of conciliation. I want to see men governed through their reason; and not by arbitrary and harsh measures.

Mr. President, and gentlemen of the convention, I sincerely believe, if we were made a State, that within six months all the wranglings and dissatisfactions which have been witnessed in this country during the past year would cease and Utah would enter upon a career of unrivalled greatness. For these reasons I shall vote against the resolution of my colleague. (Applause.)

Mr. H. D. Johnson agreed with the sentiments and views of Mr. Akers.

Col. D. Buel (Mr. Fuller in the chair), referring to Judge Haydon's confession that he (Haydon) was a Gentile, remarked that he (Buel) was not a Mormon and the people might judge what he was. In reference a State government, a liberal sentiment existed among many Gentiles. I Mormons were elected to office, he would sustain them in it. So far as the government of the Territory had been wielded by the Mormons, they had administered it with prudence and economy. He had to pay less taxes in Utah than he had ever done elsewhere. As the Mormons had done so well with a Territorial government he was willing to entrust them with a State government. He referred to the subject of polygamy and stated that he favored a State government for Utah.

General Barnum

Vacated the chair, that being occupied *ad interim* by ex-Governor Fuller, took the floor and made a lengthy speech in opposition to the resolution to adjourn.

He expressed his gratification at listen-

ing to the able and carefully prepared arguments of his colleague from Salt Lake County, Mr. Fitch, against the motion to adjourn *sine die*. He did not, however, by any means concur in the strictures passed upon the conduct of some of the Federal officers. Whatever views might be taken of the acts of the latter, and he disagreed with them in many respects, he had known them long enough to believe in and respect them for integrity of purpose, and to accord to them honesty of purpose. While differing with his colleagues in opinion with regard to the course of the officials, and with the latter as to the propriety of some of their acts, he believed that his expression of dissent would not lessen the respect which any of the parties might feel for him. He had a sovereign contempt for that spirit, everywhere prevalent in this land, of crying down everybody who does not fawn, flatter, praise to the skies, and elevate everybody who will cry just as they do; who to-day would cry "Praise to Paul and damned be Apollos," and to-morrow "Praised be Apollos and damned be Paul." He had known such men all his life long, from the Atlantic to the Pacific coast, but they were never to be depended upon. He mentioned a case which happened only a few years since in a Territory west of Utah, in which the men of a certain town, Democratic in politics, banded together to prevent a Federal judge holding his court at the county seat, because he was a republican. They not only banded together to prevent this, but they declared all traitors to their cause who should afford said judge a shelter or furnish him food. Now the majority of those very men are as staunch republicans as they were democrats then, and a democrat going there now would have about as hard a time as a republican then.

Referring to the talk, so common here, about Mormon intolerance to the minority, he said he had been a resident of most of the States and Territories of the Union, and he had lived in sections where political antagonism ran so high that the party in the minority were far worse off than the minority—the Gentiles—were in Utah. He had been told before he came to Utah that he could not live here, the Mormon rule was a theocracy, and worse than any autocracy ever established, and a Gentile had no rights here, and if Utah were admitted as a State Gentiles would have to leave. He always regarded such ideas as nonsensical. He came here, and found the Mormons about like other men, fed and clothed like others, and engrossed in the same pursuits. They undoubtedly have their likes and dislikes, but in every respect they are like American citizens elsewhere. As for the intolerance so much talked of, he had seen far worse manifestations of it, both political and religious, than he had seen here, in communities where not a Mormon existed, and where resolutions had been passed against the minority of a far worse character than any that had been passed here during the past two months. Such things invariably cured themselves, and would do so here as well as elsewhere.

The speaker reviewed the reasons offered in the resolution to adjourn *sine die*. In regard to the first, that the people had not taken the usual means, meetings, &c., of expressing their wish for a Convention, he had not been here so long as his colleague, the mover of the resolution, but since he had been here, he had heard incessant wishes expressed in this direction, and he had reason to believe that it was the feeling of overwhelming majorities of the people everywhere, from Cache to Beaver. He believed all, both Mormons and Gentiles, without exception were in favor of a State government if they could have it as they desired.

The second reason assigned, he would not take time to argue. He did not question the honesty of the gentleman who assigned it, but in his opinion there was not a word of truth in it.

The third, about the "sad experience," &c., of other States, he thought was something like the experience of a young lady with whom he was acquainted when a young man. She was very desirous to learn to dance, but her mother had frequently told her that dancing was a very wicked amusement, and to frequent ball-rooms was dreadful. "But mother, did you not dance when you were young?" "Oh yes, but I have learned the folly of it since." "Well," said the young lady, "I, too, desire to learn the folly of it." He never heard of any State that was willing to return to Territorial vassalage. If any of them talked like that he thought they were something like those old millionaires who preached to their sons and nephews the annoyance caused by large estates, and that they never had so much pleasure as when they were accustomed to hard work and poverty. They preached the benefits of the toil and hard fare, but he never heard of one returning to it after it was in his power to enjoy the benefits conferred by wealth.

The fourth reason, that the convention had assembled without color of law, &c., was disposed of as forcibly as the preceding. The people everywhere had the right to assemble *en masse* or by their delegates to petition Congress for the enjoyment of certain rights, and the holding of a Constitutional Convention was no more than that. Neither an enabling act of Congress, nor an act or joint resolution of the local legislature was necessary to empower them to hold such meeting.

But leaving these questions, he would

state what was the real objection urged against the admission of Utah, namely, polygamy, and the dominance of the Mormons. As for polygamy, he had no more fear of it than he had respect for the honesty of the men who talked loudest against it, or for the honesty of the political party by whom the popular clamor against it had been raised. Those who rallied against polygamy most, cared not how many bagnios or brothels were established; they never got up public meetings against the latter, but were content that vice in its most disgusting form should flaunt in the streets by daylight, and parade them by moonlight, and would say, "It is the custom of the country."

The speaker gave a brief history of the origin of the popular outcry against polygamy. He said some fifteen years ago one of the old party organizations of the country, now defunct, wished for a reorganization. A convention was held in the city of Philadelphia, and what is now known as the republican party was then organized. They nominated a man for president, a man whom he, the speaker, honored and respected as a gentleman, but whom he considered as the poorest candidate for president ever nominated, for he regarded him, as one of his personal friends once said of him—a statesman without a speech, a general without a battle, a pathfinder who always lost his way, and a millionaire with "nary red." The principal nomination was an utter failure, but the party wanted to lay a grand cornerstone on which to build, and they finally raised the cry of "death to slavery." But this was not enough, it was like a stool with one leg, they must have another one, and what shall it be? You can't fly a kite without a tail, nor make a dog run well without tying a tin kettle to his tail. Finally, after looking round in every direction, they discovered, away in the Rocky Mountains, a people who had an institution as peculiar and as old as slavery. "Ah," said one of the members of the convention, "we have it, we have a tail to our kite, a tin kettle to the tail of our dog," and it was resolved that slavery and polygamy were twin relics of barbarism and must be wiped out. Polygamy was simply taken hold of by the party as a tin kettle to their dog's tail, but it did not run John C. Fremont into the presidency. The party had wiped out slavery, but although they had controlled the country since, they had never done anything to wipe out polygamy, and he cared no more about it than they did. If Utah were admitted, he did not fear its effects, nor that the Mormons would rule rampant over all others. If they were the majority, they, as citizens, would have the right to control the Territory, to have a majority in both branches of the legislature, and to have their judges and officers. On these accounts he was opposed to the resolution and hoped and believed that there was enough good sense in that convention to frame a constitution that would be acceptable to the people of the Territory and the country, and if they failed, he should be in favor of holding more conventions until they succeeded, for he wished to see a State government for Utah.

Honorable George Q. Cannon took the floor and commenced to speak in opposition to the motion, but at the wish of the convention he deferred his remarks until the afternoon sitting. The convention then took a recess until 2 o'clock.

Tuesday afternoon.

At 2 o'clock the sitting was resumed, when Mr. Cannon addressed the convention. He said that the mover of the resolution to adjourn *sine die* was the first member of the convention to refer to any class distinctions as existing in the community. He, the speaker, regretted any reference of the kind; and their introduction, to say the least, showed bad taste. Such allusions should be banished, for there were subjects enough to occupy the attention of the members of the convention without dragging in class distinctions of a social, religious or political character. As to religious distinctions, he thought they were entirely foreign to the object for which the members of the convention had assembled, and during their sittings should be banished from their minds and memories.

Reasons had been assigned why Utah should not be admitted into the Union as a State. He would make a brief statement of the circumstances surrounding his own life. He crossed the plains when eighteen years of age, and came to these valleys, then a portion of Mexican territory. He with others, some of them being members of the convention, settled here as pioneers in opening up Utah, and establishing the foundations of this great commonwealth. Twenty-five years had elapsed since then, during which he had labored diligently in building up this Territory and nation; had done all in his power in aiding emigration, increasing the population and developing the resources of the country. He could also say the same on behalf of hundreds and thousands of the citizens of the Territory, by whom no effort had been spared to make this a land in which all classes, creeds and nationalities could dwell in peace and safety, and to make these mountain vales as safe and as free from violence, rapine and everything hurtful as the streets of the quietest city of the eastern States. The fact that men and women could travel without fear of insult or violence from Idaho in the north to Arizona in the south, was proof how those efforts had succeeded;

and throughout all the settlements of the Territory there had been peace and safety for citizen and stranger.

Allusions had been made to the effects that would follow if Utah were admitted as a State with the Mormons in the ascendant; but the fears that some professed to entertain of Mormon intolerance and injustice, were groundless. Judge Haydon, the mover of this resolution, had related to the speaker how, eighteen years ago, when Mormon isolation was complete, that he, a stranger, while travelling from the Missouri to the Pacific, had sought and obtained redress of wrongs and justice from Mormon courts and authorities. While as to intolerance, ministers of every religious denomination had been allowed, in the past, to proclaim, unmolested, their several creeds and doctrines in the Mormon cities and settlements, and the doors of Mormon meeting houses had been opened to them to give them an opportunity to do so. And in this city there are now four or five meeting houses occupied by religious bodies other than Mormons.

One of the reasons why Utah should be admitted as a State was that there were many men, even in that convention, descendants of the heroes of the Revolution, who had come hither in boyhood, and who had never yet had the privilege of voting for a president of the United States. This was his position to-day, although during the best part of his life he had done all that a patriotic citizen could do to build up the country, ever manifesting the most untiring zeal and devotion to constitutional principles; and he could speak of the entire people in the same terms. Their loyalty could not be truthfully questioned, neither their devotion to constitutional principles and every thing that makes a nation great and mighty. It was this adherence to principle that had given the people of this Territory prominence in the eyes of the world. For this reason, if for no other, he would urge the holding of a constitutional convention for the purpose of claiming their rights as American citizens and of taking the measures necessary to ward off from their children the vassalage which the pioneers and others of Utah had been compelled to endure. Such a condition was foreign to the genius of American institutions, and he could find nothing either in history, laws, or constitution sanctioning it. There must be a termination to it, and though some claimed that the present effort was inopportune, he thought otherwise, and that the time was most opportune to terminate such a condition of affairs.

The courts of justice were referred to as another proof of the great necessity for a change in the form of government. Every possible effort had been made to produce judicial chaos, and to bring about a condition of anarchy in this Territory, and if the people had not manifested the highest qualities of citizenship Utah would not be the peaceful abode that it is to-day. Our probate courts, which formerly held criminal and appellate jurisdiction, had been deprived of their authority, and now he might say, we had no courts outside of Salt Lake City; for the visits of the judge were so rare as to leave the country practically without courts. For these and other reasons urged by the speaker he felt that he must certainly vote against the resolution.

The previous question being called for, the sense of the Convention was taken, and it was unanimously in favor of it. The motion of Mr. Haydon was then put, and the ayes and noes being demanded, resulted in one "aye," and ninety-three "noes." Mr. Haydon then presented the following:

Since the convention has refused to adjourn, and for fear Congress may do an unwise thing by admitting Utah, I feel it my duty as a good citizen to remain with you to the end and endeavor to engrain on the constitution such principles as I think will best subserve the interests of the whole people. They are briefly these:

1. Prohibition of polygamy hereafter, with heavy penalties, including disfranchisement of all political rights for a violation.
2. No taxes on the mines nor their proceeds for ten years.
3. No subsidies for railroads.
4. Minority representation in legislation and in the Court of last resort.
5. A registration act to promote the purity of elections.
6. One term for Governor.
7. Two-thirds of a jury to constitute a verdict.
8. Equal political and civil rights for all citizens regardless of color or sex.

So much of the last proposition as relates to equal political rights without discrimination of sex I would, in view of the present condition of affairs, not insist on, but as the principle is as dear to me as my loyalty and my religion, I can not sacrifice it for mere policy, no matter what may be the result.

If such propositions as I have briefly stated were adopted, in my humble opinion they will go far towards protecting the rights of the minority, and advancing the general interests of the whole people.

Convention adjourned until Thursday morning at 10 o'clock.

FOURTH DAY.

Thursday Morning.

THIS morning the committees on Ordi-