

his opinion by depositing in the ballot box a ticket whereon shall be written or printed, "Constitution as amended, Yes;" or, "Constitution as amended, No;" or such words as will distinctly convey the intention of the voter.

Sec. 14. The county clerks of their respective counties shall forthwith make duplicate returns of the votes cast for and against the constitution as amended, and the votes cast for all state officers and circuit judges, and transmit the same by the most safe and expeditious conveyance, to R. L. Campbell, the secretary of this convention, inclosed in an envelope, marked "Election Returns."

Sec. 15. Upon receipt of said returns or within thirty days after the election, if the returns be not sooner received, it shall be the duty of a board of canvassers, to consist of the president and secretary of this convention, the president of the state senate, the speaker of the house of Representatives and the probate judge of Salt Lake county, or any three of the persons herein named, to canvass the returns of said election in presence of all who may choose to attend, and immediately publish an abstract of the same in one or more of the newspapers of the Territory of Utah; and said board, shall, if said constitution as amended has received a majority vote of the electors voting upon the question of the acceptance or rejection of the same, thereupon make public announcement of the fact, and transmit a certificate thereof by the most safe and expeditious conveyance to the President of the United States, president of the senate and speaker of the house of representatives, at Washington, D. C., and also issue certificates of election to such persons as were elected at said election, and thenceforth this constitution shall be ordained and established as the constitution of the State of Deseret.

Sec. 16. The term of State officers, except judicial, elected at the first election, shall continue until the Tuesday after the first Monday of January, A. D. eighteen hundred and seventy five, and until the election and qualification of their successors.

Sec. 17. The State senators to be elected at the first election under this constitution shall draw lots, so that the term of one half of the number, as nearly as may be, shall expire on the day succeeding the general election in A. D. eighteen hundred and seventy-four, and the term of the other half shall expire on the day succeeding the general election in A. D. eighteen hundred and seventy-six; provided, that in drawing lots for all senatorial terms, the senatorial representation shall be allotted so that in the counties having two or more senators, the terms thereof shall be divided, as equally as may be, between the long and short terms.

Sec. 18. The term of members of the house of representatives elected at the first election shall expire on the day succeeding the general election in A. D. eighteen hundred and seventy four.

Sec. 19. The first regular session of the legislature shall commence on the third Monday of the month succeeding that in which said State shall be, by act of congress, or by proclamation of the President of the United States, made in pursuance of an act of congress, admitted into the Union.

Sec. 20. The State officers and circuit judges elected at the first election shall be sworn in and assume the duties of their respective offices on the third Monday of the month succeeding that in which said State shall be by act of congress, or by proclamation of the President of the United States, made in pursuance of an act of congress, be admitted into the Union.

Sec. 21. The governor, secretary, district judges, and other officers of the Territory of Utah may continue to discharge the duties of their respective offices after the admission of this State into the Union, and until the time designated for the qualification of the officers, to be elected under the State government; provided, that the said officers shall be subject to the restrictions and conditions provided in this constitution, and none of them shall receive to his own use, any fees or perquisites for the performance of any duty connected with his office.

Sec. 22. All county, precinct, city and district officers under the laws of the Territory of Utah, at the time this constitution shall take effect, and whose offices are not inconsistent with

the provisions of this constitution, shall continue in office until their successors are elected and qualified. The time of such election and qualification shall be as prescribed by law.

Sec. 23. After the admission of this State into the Union, and until the legislature shall otherwise provide, the several judges shall hold courts in their respective circuits at such times and places as they may respectively appoint; and until provision shall be made by law for holding the terms of the supreme court, the governor shall fix the time and place of holding such court.

Sec. 24. George O. Cannon, Thomas Fitch and Frank Fuller are hereby elected delegates from this convention, to proceed to Washington, D. C., and with the delegate in congress from Utah Territory, the Hon. W. H. Hooper, are requested to present this constitution to the President of the United States, the senate of the United States, and the United States house of representatives, and urge the passage of an act of congress admitting the State of Deseret into the Union.

Done in convention, at Salt Lake city, the second day of March, in the year of our Lord one thousand eight hundred and seventy-two, and the Independence of the United States the ninety-sixth, and signed by the delegates.

E. M. BARNUM,

President, and delegate from Salt Lake county;

R. L. CAMPBELL, Secretary.

NAMES OF THE DELEGATES TO THE CONVENTION.

Beaver County.—Blackburn, E. H.; Murdock, John R.; Tyler, Daniel.
Box Elder County.—Bruce, George A.; Dalton, M. W.; Johnson, E. P.; Loveland, Chester; Snow, Lorenzo; Wright, Jonathan C.

Cache County.—Hyde, Wm.; Hatch, Lorenzo H.; Hammond, Milton D.; Liljenquist, O. N.; Littlewood, Wm. F.; Maughan, W. H.; Merrill, M. W.; Preston, W. B.; Thatcher, Moses.

Rich Co.—Rich, Chas. C.
Sanpete Co.—Taylor, Geo.; Candland, David; Lowellyn, Rees R.; Lowry, Abner; Madsen, Christian A.; Peacock, Geo.; Snow, Warren S.; Sanderson, H. W.

Millard Co.—Callister, Thos.; King, Culbert; Lyman, Platt, D.; Thompson, Daniel.
Morgan Co.—Haven, Jesse; Porter, Lyman W.

Piute and Sevier Counties.—Halcombe, H. A.; Morrison, Wm.; Rasmussen, Peter.
Iron Co.—Blair, Seth M.; Dalton, Edward; Smith, Silas S.; Smith, Jesse N.

Juab Co.—Hague, Jno.; Kendall, Geo.; Sutherland, A. G.

Kane Co.—Harman, A. M.; Nebeker, Jno.

Davis Co.—Barnes, Jno. R.; Anson, Call; Porter, Nathan T.; Rauche, Thos. F.; Smith, Lot; Smith, Thos. S.; Telford, John.

Washington Co.—Foster, Solon; Ivins, Israel; Snow, Wm.; Young, J. W.

Weber Co.—Belknap, Gilbert; Erb, G. S.; Farr, Lorin; Hammond, F. D.; Herrick, L. J.; Penrose, C. W.; Richards, F. D.; Udey, H. E.

Utah Co.—Brigham, Wm.; Brown, Jno.; Evans, David; Harrington, L. E.; Milner, Jno. B.; Pace, Wm. B.; Price, Wm.; Smoot, A. O.; Simons, Orrawell; Thurber, A. K.

Wasatch Co.—Alexander, H. S.; Hatch, Abram; Mordock, N. C.; DeWitt, Jno. W.

Summit Co.—Attwood, Saml. F.; Cluff, W. W.; Snyder, Geo. G.

Tooele Co.—Bryan, Geo. W.; Burridge, Geo.; Franks, Jno.; Hunter, Edward; Rowberry, Jno.; Warburton, Richd.

Salt Lake Co.—Akers, T. P.; Buel, D. E.; Barnum, E. M.; Cannon, Geo. Q.; Caine, Jno. T.; Carrington, A.; Fitch, Thos.; Fuller, Frank; Haydon, Wm.; Hoge, E. D.; Jennings Wm.; Johnston, Hadley D.; Miner, Aurelius; Miller, Reuben; Pratt, Orson; Rockwood, A. P.; Sharp, Jno; Snow, Z.

MEMORIAL.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

Gentlemen—Your Memorialists, the citizens of the United States in the Territory of Utah, by their delegates in Convention now assembled, respectfully present this their Memorial, humbly praying for admission into the Federal Union, as a free and Sovereign State under the name and style of the State of Deseret, with the Constitution herewith presented. The history of the privations and struggles and achievements of the pioneers of Utah, is a part of the history of the country, and need not be recapitulated here; but some of the disadvantages of the Territorial form of Government, under which your Memorialists have lived for the last 22 years, are earnestly submitted to your consideration.

Under this form every important civil action is liable to be appealed to the U. S. Supreme Court, where its final decision may be delayed for years; and every act of the legislature which escapes the absolute

veto of the Governor is subject to the supervisory legislation of Congress.

It has been decided that the Legislative Assembly of the Territory of Utah has no power to create or organize Courts of original jurisdiction, and the Courts provided by Congress under the Territorial system are insufficient to transact the business of the Territory. Persons accused of crime are denied bail and refused trial, while cases rapidly accumulate upon the civil calendar and litigants are thereby practically denied justice.

It is the system of government, rather than those who administer the system, which should be censured for this state of affairs.

A territorial or colonial system, under which a government is provided by a remote power and without the consent of the governed, is inherently oppressive and anti-republican. The theory of government which provides executive and judicial officers having no responsibility to the people they are called to rule and to whom their acts are known, but to a distant and imperfectly informed authority, is admittedly a false one. The officer assigned to a Territory, bearing no introduction save his commission from the general government, finds no interest in common with the people to whom he presents himself. His past life may be and usually is, a sealed book to each member of the community, toward whom he is, by virtue of his commission, authorized to assume the most delicate and important relations. With no confidence inspired by long acquaintance, the stranger becomes the arbiter of the destinies of a whole community. As governor or judge, he holds the lives and property of a people—united to him by no ties of kindred or neighborhood—in his hands. Even if selected from among the people, he still looks to the parent government for his compensation; and relies for his tenure of office upon influences far removed from the scene of his labor, rather than upon his own conduct; he is thus naturally led to give small consideration to the wishes or necessities of those who are the sole sufferers under his follies and mistakes.

It is plain that a system which practically denies to the citizen the privilege of enacting and administering those domestic laws which are necessary for the safety and progress of the community; which deprives him alike of representation at Washington and local sovereignty; which fails to furnish him with adequate judicial facilities, and subjects him to tedious and expensive delays in the final arbitrament of his rights, is a system most antagonistic to the spirit of representative republican government, and most injurious to the interest of progress.

From this state of things there is no redress, except in the manner now proposed. The remedy for the evils suggested, is found solely in a republican form of government—a government created by the people governed, and to a part in which every citizen is eligible.

Utah has outgrown those conditions under which a Territorial form of government was equal to her necessities, and has reached a period of corporate existence when a State organization is essential for the accommodation of her business interests. These interests are numerous, and rapidly expanding. Within the borders of the Territory lie vast deposits of inexhaustible mineral wealth, which are destined soon to equal in extent and richness of development, those of any neighboring State or Territory.

The coal fields of the Wasatch range already give promise of rivaling many of the coal regions of the older States. Rich veins and lodes of silver have attracted hither capitalists of Europe, and already many leading silver mines of Utah are known and favorably quoted in the stock boards of London and other European marts. The smelters of galena from New York, Boston, Chicago, San Francisco, and other cities of the Union, are looking to Utah, as the source of a large part of their future supplies.

Iron ores of the finest quality exist in such vast masses, in the southern portion of this Territory, as to rise to the dignity of iron mountains, and it is no mere fancy to assert that these ores will, in a few years, furnish the materials for all furnaces, mills, and other establishments in the new State requiring this metal, and will warrant the erection, at an early day, of rolling mills for the production of railroad iron.

The number of men now either actually engaged or interested in mines and mining within the borders of Utah, exceeds 20,000; the amount of foreign capital invested in her silver mines has been fairly estimated at over \$15,000,000; and the number of tons of high grade ore and crude bullion, shipped by rail from the Territory during the year 1871, a large part of which entered into our national exports, has reached 9,000 tons.

The full and free development of all these interests demands a State government.

While in California, Colorado, Nevada and Montana, mining preceded agriculture, in Utah the cultivation of the soil was the first pursuit which occupied the attention of citizens. From the extreme northern boundary of the Territory to the river Colorado in the South, a distance but little short of five hundred miles, numerous settlements have been formed and a system of agriculture has been adopted which is admirably suited to the nature of the climate and soil. Throughout this extensive region the water, by means of costly canals and ditches, has been conducted from the

mountains and spread over the land, and bleak, barren deserts have been converted into fruitful fields, and the solitude of the wilderness has been made musical with the hum of thrifty industry. Utah in agricultural and manufacturing wealth compares favorably with many of the older settled portions of the continent.

Your memorialists respectfully suggest that Utah, having thus shown her capacity to sustain a large population from her agricultural and manufacturing resources, possesses every requisite, now that her mineral wealth is found to be of almost unexampled richness, to make her future prosperous and great. With well-developed agricultural, manufacturing, mining and commercial interests receiving the attention of her citizens, with her internal improvements of railroads, telegraph lines, canals &c., the advantages of the great continental highway, closely connecting her with her sisters on the East and West, she may expect, if permitted to assume the robes of statehood, to enter upon a career of prosperity unsurpassed by any of the younger States.

The population of Utah exceeds, to a considerable extent, that of several other Territories which have been by your honorable body admitted to statehood.

The increasing mineral resources, the development of which has been seriously retarded by conflicting interests constantly arising under our present system; the rapidly increasing agricultural, railroad, commercial, and mechanical interests, together with the satisfactory condition of financial affairs throughout the Territory—showing as they do in every department an entire freedom from debt; the peaceful relations which the inhabitants have and still maintain with the surrounding Indian tribes; the home and foreign capital which is being daily invested in our rich though comparatively undeveloped mines; all seem to point to the one great end, the need of a permanent State government.

By the establishment of such a government our permanent prosperity will be made certain; stability will be impressed on all our public institutions; capital now withheld because of possible changes will flow into the country a rich and plentiful stream, imparting life and activity to every branch of trade and every department of useful industry. Our agricultural, manufacturing, mineral, commercial and railroad interests will be strengthened and enlarged; enterprising sojourners will become permanent residents; elements of disorder, now bold and defiant through encouragement from collisions between opposing judicial departments, will subside before the power of justice, one and undivided; peace and harmony will take the place of discord and confusion; education, hitherto unsaid by State patronage, will extend its influence to every family, and the people of these mountain valleys, no longer harassed and perplexed by the errors of officials who are unacquainted with their wants, freed from all doubts as to the good will of the parent government, and brought by the Federal compact into perfect accord with the rest of the Republic, will move forward in the grand march of national progress, as loyal, true, free, and liberal a commonwealth as any among the glorious sisterhood.

The policy of Congress has always been to accord a State government to a Territory so soon as the community asking such privilege gave evidence of its ability to sustain the burden of self-government. If in any instance a mistake has been made in the admission of a State where subsequent growth has failed to justify the expectations of the country, we submit that the results of such mistake should not be charged to Utah, which to-day exhibits not in expectation but in possession the requisite population and resources to entitle her to enter the American Union.

The constitution of the proposed State, which is presented herewith, looks to the development of those improvements in political science which elsewhere excite public attention; for it will be observed that it provides for minority representation, impartial suffrage, and equal public educational facilities without distinction of race, color, religion or citizenship.

If it be deemed essential to the welfare of the people of the proposed State that other guarantees should be obtained than those contained in this Constitution, an opportunity is afforded in the ordinance to propose such conditions as honorable men may accept.

We submit in conclusion that the interests of the people inhabiting the Territory of Utah, as well as those of the nation, will be advanced by the speedy admission of the proposed State, and to that end your memorialists invoke your early and favorable action.

As will be seen by Section 5, Article 17, Schedule, the provision has been made for the taking of the vote of the electors throughout the Territory for or against the State Constitution adopted by the convention, and for the election of a representative to Congress, on the third Monday of the present month (March 18). Every lawful voter (male and female) should consider it his or her personal duty to be at the polls and give in his or her vote upon that important occasion, so that as large a vote as can be may be polled.

We also respectfully request the earnest attention of those whom it may concern, to the resolution adopted by the Convention for the taking of the census of the several counties, which should be done promptly.