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nance and Bill of Rights, Education and Boundary gave in their reports, which were referred to a committee of the whole.

On motion of Mr. Buel it was resolved that from 11 to 12 o'clock of the morning session be devoted to eulogies on the character of General George Washington. At 11 o'clock other business was deferred, and speeches eulogistic of the character of Washington were delivered by Messrs. Fuller, Akers, Fitch and Tyler.

Convention took a recess until two o'clock.

The following is a copy of the Ordinance and Bill of Rights, presented by the committee—

ORDINANCE.

We, the people of the Territory of Utah, do ordain as follows, and this ordinance shall be irrevocable without the consent of the United States and the people of the State of Deseret.

First—That we adopt the Constitution of the United States.

Second—That there shall be in this State neither slavery nor involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted.

Third—That perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

Fourth—That the people inhabiting said Territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that lands belonging to Citizens of the United States residing without the said State shall never be taxed higher than the land belonging to residents thereof, and that no taxes shall be imposed by said State on lands or property belonging to, or which may hereafter be purchased by, the United States.

Fifth—That such terms, if any, as may be prescribed by Congress as a condition of the admission of said State into the Union, shall, if ratified by a majority vote of the people thereof, at such time and under such regulations as may be prescribed by the first legislature of said State—thereupon be embraced within, and constitute a part of this ordinance.

Preamble

We, the People of the State of Deseret, grateful to the Almighty God for our freedom, in order to secure its blessings, insure domestic tranquillity, and form a more perfect government, do establish this

CONSTITUTION.

Article I.—Declaration of Rights.

Sec. 1.—In Republican governments all men should possess their natural rights, among which are those of enjoying and defending their life and liberty, acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness.

Sec. 2.—All political power is inherent in the people, and all free governments are founded in their authority, and instituted for their benefit, therefore they have an inalienable right to institute government, and to alter, reform, or change the same, when their safety, happiness, and the public good require it. But the paramount allegiance of every citizen is due to the federal government, in the exercise of all its constitutional powers.

Sec. 3.—The right of trial by jury shall be secured to all, and remain inviolate forever, but the jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law; and in civil cases, if three-fourths of the jurors agree upon a verdict, it shall stand, and have the same force and effect as a verdict by the

whole jury; provided the legislature, by a law passed by a two-thirds vote of all the members elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.

Sec. 4.—The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 5.—The privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 6.—Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

Sec. 7.—All persons shall be bailable by sufficient sureties; unless for capital offences, when the proof is evident, or the presumption great.

Sec. 8.—No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of congress in time of peace, and in cases of petty larceny, under the regulation of the legislature,) except on presentment or indictment of a grand jury; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence, nor shall he be compelled, in any criminal case, to be a witness against himself; nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made or secured, except in cases of war, riot, fire or great public peril, in which case compensation shall be afterward made.

Sec. 9.—Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted or exonerated.

Sec. 10.—The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition for redress of grievances.

Sec. 11.—The military shall be subordinate to the civil power, and no standing army shall be maintained by this State in time of peace.

Sec. 12.—No soldier shall in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

Sec. 13.—Representation shall be apportioned according to the population.

Sec. 14.—The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a limited amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; and there shall be no imprisonment for debt, except in cases of fraud, libel or slander, and no person shall be imprisoned for a militia fine in time of peace.

Sec. 15.—No bill of attainder *ex post facto* law, or law impairing the obligation of contracts shall ever be passed.

Sec. 16.—Foreigners who are, or may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property as native-born citizens.

Sec. 17.—Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Sec. 18.—The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Sec. 19.—Treason against the State

shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 20.—The right of citizens to keep and bear arms, for common defense shall not be questioned.

Mr. Z. Snow moved that a hundred and twenty copies of the report be printed.

Mr. Fitch said a hundred and twenty-five copies of the constitution of Nevada were being printed, which was the basis of their labors.

Col. Buel hoped the motion would prevail, as few reports of committees would be so important.

Mr. Cannon favored the printing, though he did not desire the discussion to be delayed on that account.

Mr. Farr favored discussion without waiting on the printing.

Mr. Cannon said the changes in the reports from the constitution of Nevada could be supplied at the opening of the afternoon session. The committee had consulted other constitutions also.

An amendment was adopted to have the alterations printed and inserted in the printed copies of the Nevada constitution.

A motion that the report be referred to committee of the whole was adopted.

Mr. Fitch called for the reading of the other reports.

The report of the committee on education was read and referred to committee of the whole.

The report of the committee on boundary, &c., was read and similarly referred.

The President announced that the order of business for the morning hour was the consideration of the life and character of George Washington.

Col Buel, being called upon, excused himself from making a speech, as he had a cold on his lungs.

Messrs. F. Fuller, T. P. Akers, T. Fitch, and D. Tyler delivered eulogies upon Washington, and Hons. O. Pratt and Jno. C. Wright spoke briefly.

Convention took a recess.

Thursday Afternoon.

At 2 p. m. the convention assembled and on motion of Mr. Fitch the convention went into committee of the whole, with the President in the chair.

The motion was reconsidered so far as related to the President occupying the chair; and Col Buel filled the position.

The report of the committee on ordinance, &c., was then read and considered by sections.

Judge Hoge moved to strike out the word "Deseret" from the first section, and substitute "Utah."

Mr. Fuller favored the motion because the name Deseret might be made a basis of prejudice by persons opposed to the State movement.

Judge Snow was not especially favorable to either name. "Deseret" signified "honey bee," was dear by association, and was applicable to the people.

Mr. Orson Pratt said there was a serious objection to changing the name of Deseret to Utah. Deseret was easily spelled correctly by any person, while Utah might be spelled in twenty ways. On the score of antiquity, Deseret had the preference over Utah, for the former ran back to the building of the tower of Babel.

Mr. Fuller objected to Deseret because it was ancient, also again because it might be a matter of objection by enemies of a State Government.

Mr. Cannon said the committee adopted that name because it had been long used and was much liked by the people.

Mr. Fitch was in favor of Deseret, for it was held to mean a honey bee, while Utah referred to a dirty, thieving, insect-infested, grasshopper-eating tribe of Indians. It was also more euphonious than Utah.

General Barnum admitted the euphony of Deseret, but while he was willing to accept Deseret, should it be adopted a howl would be raised on the streets of Salt Lake and be carried over the country that the Mormons controlled the convention, because that word had been first used by the Mormons. While he liked the name of Deseret as a simple combination of letters—which many looked upon as a corruption of the word desert, and having reference to the "Great American Desert"—yet he did think, with the old adage "give a dog a bad name," that the low, petty, contemptible prejudice against that word, would be an obstacle in the way of accomplishing the objects of the

convention in securing a state. He hoped the name of Utah would be substituted.

Mr. Miner was partial to Deseret. One reason why he wished Utah could be blotted from history was because of the many unfounded slanders perpetrated concerning it. Yet the name of Utah was on all local maps, in public archives, and on public records. These were strong reasons for retaining it. After Deseret he would prefer Argenta, but in view of the circumstances he would vote for Utah.

Mr. Penrose favored Deseret because it was dear to his constituents and to the people of Utah. He did not think popular clamor should be bowed to; Deseret was a good name, it meant something good; he was in favor of it and so were his constituents.

Mr. Tyler said the laws passed by the provisional State of Deseret, adopted by the Territory, were submitted to Congress, yet, if he remembered right, only one of those laws was rejected or repealed. This did not indicate prejudice against the name of Deseret. The prejudice against the name, he thought, was not so strong as that against the people. He believed Deseret should be adopted, and would vote for it.

Mr. Milner favored Utah because of the prejudice existing against Deseret, on account of its supposed sectionality, while Utah was considered more cosmopolitan. His constituents were proud of the word Deseret and of their industry which it symbolized, yet they could be just as industrious, worthy and reputable under the name of Utah.

Mr. Sanderson said his constituents were decidedly in favor of Deseret and he should vote for it.

Mr. Rich had not heard any sufficient reason to induce him to reject the name presented by the committee. He should vote for Deseret.

Mr. Candland was in favor of Utah.

Judge Hoge was not particular as to names. A prejudice did exist against Deseret and he asked why that prejudice should not be made innocuous, when no principle would be involved or sacrificed.

Mr. Morrison considered the question humorously, and was in favor of Deseret.

Mr. Hatch moved to refer the name back to the committee.

The motion was ruled out of order.

The motion to change the name Deseret to Utah was then put and lost.

General Barnum, wishing to retire, requested Mr. Orson Pratt to occupy the chair on the rising of the committee of the whole.

The first section was then declared adopted.

Mr. Miner moved to amend the second section, which provides for adopting the constitution of the United States by adding "providing it does not conflict with the constitution of this State," (laughter.) He was opposed to the grand jury system and desired to see it abolished. The motion was lost.

The second section was declared adopted.

The third section, on an amended motion, offered by Mr. O. Pratt, had the words "religious sentiment" altered to "religion," and was so adopted.

A motion was made to strike out the first four lines of section fourth.

Mr. Fitch stated that the language in question merely preserved to the United States the proprietary right to the unoccupied public lands, and did not interfere with the titles of citizens.

The motion was lost.

A motion was made to strike out the fifth section.

The committee rose, reported progress, asked leave to resume sitting, which was acceded to.

Convention adjourned till Friday, 23rd, at 10 a. m.

FIFTH DAY.

Friday Morning.

At 10 a. m. the convention was opened with prayer by Rev. Jameson.

After the calling of the roll, the secretary read the reports of the following committees:

Committee on ordinance, bill of rights, &c.; on municipal and other corporations; on militia; on impeachment and removal from office.

A motion that the committee on boundary be requested to supply the Convention with copies of a map of the boundaries of the proposed State of Deseret, was put and carried.

It was resolved that when the Convention went into committee of the whole, speeches on any one proposition be limited to five minutes, and that no member be allowed to speak more than once on the same proposition.