

THE CONSTITUTION.

The Organic Law of the State of Utah.

IT MEETS THE POPULAR NATIONAL DEMAND.

The following is the Constitution of the proposed State of Utah, in full, as formulated by the Constitutional Convention which adjourned Thursday:

PREAMBLE.

We, the people of Utah, grateful to 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.—BILL OF RIGHTS.

SECTION 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty and the pursuit of happiness.

SEC. 2. All free governments are founded on the authority of the people, and instituted for their equal protection and benefit.

SEC. 3. There shall be no union of Church and State; nor shall any Church dominate the State.

SEC. 4. The right to worship God, according to the dictates of conscience, shall never be infringed; nor shall the State make any law respecting an establishment of religion or prohibiting the free exercise thereof; nor shall any control of, or interference with the rights of conscience be permitted.

SEC. 5. The right of trial by jury shall remain forever inviolate; but the Legislature may provide that in civil actions, five-sixths of a jury may render a verdict; and that in inferior courts a number less than twelve may constitute a jury.

SEC. 6. 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. 7. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

SEC. 8. All persons shall be bailable by sufficient sureties; unless for capital offense, when the proof is evident or the presumption great.

SEC. 9. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person for the same offense be twice put in jeopardy; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken or damaged for public use without just compensation.

SEC. 10. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SEC. 11. The State shall pass no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and petition the government for the redress of grievances.

SEC. 12. The military shall be subordinate to the civil power.

SEC. 13. 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 the manner prescribed by law, and no standing army shall be maintained by this State in time of peace.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. There shall be no imprisonment for debt, except in cases of fraud.

SEC. 16. No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

SEC. 17. All laws of a general nature shall have a uniform operation.

SEC. 18. Foreigners who are, or who may hereafter become, bona fide residents of this State, shall have the same rights in respect to the possession, enjoyment, transmission and inheritance of property as native born citizens.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons or things to be seized.

SEC. 20. 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. 21. The right of citizens to keep and bear arms, for common defense, shall not be questioned.

SEC. 22. The blessings of free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.—RIGHT OF SUFFRAGE.

SEC. 1. Every male citizen of the United States, not laboring under the disabilities named in this Constitution, of the age of twenty-one years and over, who shall have resided in the State six months, and in the county and voting precinct thirty days next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; Provided, That no person who has been or may be convicted of treason or felony, in any State or Territory of the United States, or in any district over which the United States has jurisdiction, unless restored to civil rights, shall be entitled to the privileges of an elector.

SEC. 2. During the day on which any general election shall be held, no elector shall be obliged to perform military duty, except in time of war or public danger.

SEC. 3. All elections by the people shall be by secret ballot.

SEC. 4. Provisions shall be made by law for the registration of the names of the electors within the counties and voting precincts of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage.

ARTICLE III.—DISTRIBUTION OF POWERS.

SEC. 1. The powers of the government of the State of Utah shall be divided into three separate departments: the legislative, the executive and the judicial; and neither of said departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE IV.—LEGISLATIVE DEPARTMENT.

SEC. 1. The legislative authority of this State shall be vested in a legislature, which shall consist of a senate and house of representatives, and the sessions thereof shall be held at the seat of government.

SEC. 2. The sessions of the legislature shall be biennial, and, except at the first session thereof, shall commence on the second Monday in January next ensuing the election of members of the house of representatives, unless the governor shall convene the legislature by proclamation.

SEC. 3. The members of the house of representatives shall, except at the first election, be chosen biennially, by the qualified electors of their respective districts, at the general election, and their term of office shall be two years from and including the first Monday in December next succeeding their election.

SEC. 4. The senators shall be chosen by the qualified electors of their respective districts, at the same time and places as the members of the house of representatives, and their term of office shall be four years from and including the first Monday in December next succeeding their election, except as otherwise provided in section 10 of Article XVII of this Constitution.

SEC. 5. The first legislature shall consist of twelve senators and twenty-four representatives; the number of senators and representatives may be increased, but the senators shall never exceed thirty in number, and the number of representatives shall never be less than twice that of the senators. The apportionment and increase of the members of both houses shall be as prescribed by law.

SEC. 6. No person shall be a senator who shall not have attained the age of twenty-five years, nor shall any person be a senator or representative who shall not be a citizen of the United States, and who, except at the first election, shall not have been two years a resident of this State, and for six months next preceding his election a resident of the district in which he is elected. No person holding any State office, except officers of the State militia, commissioners of deeds and notaries public, and no executive or judicial officer, shall have a seat in the legislature.

SEC. 7. The members of the legislature shall, before entering upon their official duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of their respective offices.

SEC. 8. Each house shall judge of the qualifications, elections, and returns of its own members, may punish them for disorderly conduct, and with the concurrence of two-thirds of its whole number, expel a member.

SEC. 9. No member of the legislature shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by election by the people.

SEC. 10. Members of the legislature, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and after the termination thereof; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 11. When a vacancy occurs in either house, the governor shall order an election to fill such vacancy.

SEC. 12. A majority of all the members elected to each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 13. Each house shall establish its own rules, keep a journal of its own proceedings, and publish them, except such parts as require secrecy, and the yeas and nays of the members of either house, on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 14. The door of each house shall be kept open during its session, except the Senate while sitting in executive session; and neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be holding session.

SEC. 15. The enacting clause of every law shall be as follows: "Be it enacted by the legislature of the State of Utah."

SEC. 16. Any bill or joint resolution may originate in either house of the legislature, and shall be read three times in each house before the final passage thereof, and shall not become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, which shall be entered on the journal.

SEC. 17. No law shall be revised or amended by reference to its title only, but the act as revised, or section as amended, shall be enacted and published at length.

SEC. 18. All bills or joint resolutions passed by the legislature shall be signed by the presiding officers of the respective houses.

SEC. 19. The legislature shall not grant any special privilege or bill of divorce, nor authorize any lottery, gift enterprise or game of chance.

SEC. 20. No money shall be drawn from the treasury except as appropriated by law.

SEC. 21. Provision shall be made by law for bringing suit against the State.

SEC. 22. The first regular session of the legislature may extend to one hundred and twenty days, but no subsequent regular session shall exceed sixty days, nor shall any session convened by the Governor exceed twenty days.

SEC. 23. The members and officers of the Legislature shall receive for their services a compensation to be fixed by law, and no increase of such compensation shall take effect during the term for which the members and officers of either house shall have been elected.

SEC. 24. Every bill passed by the legislature shall be presented to the governor. If he approve it, he shall sign it, whereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall cause such objections to be entered upon its journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by a vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him, Sundays excepted, exclusive of the day on which he received it, the same shall be law in like manner as if he had signed it, unless the legislature, by its final adjournment, prevent such return, in which case it shall not become a law unless the governor, within ten days after the adjournment, shall file such bill, with his approval thereof, in the office of the secretary of State.

SEC. 25. That every general appropriation bill shall be presented to the Governor at least five days before the day of final adjournment, and in case he vetoes the same in whole or in part, he shall return it with his objections to the whole or to the separate items of which he may disapprove, not less than two days before said final adjournment, whereupon each house shall proceed to consider his objections to the whole or to the separate items of which he may disapprove, and any item not receiving the necessary two-thirds vote shall not become law.

ARTICLE V.—EXECUTIVE DEPARTMENT.

SEC. 1. The supreme executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for the members of the legislature, and shall hold his office for the term of two years, from and including the first Monday in December next succeeding his election, and until his successor shall be qualified.

SEC. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty-five years, and who, except at the first election under this constitution, shall not have been a citizen resident of this State for two years next preceding the election.

SEC. 4. The Governor shall be com-

mander-in-chief of the military forces of this State, and may call out the same to execute the laws, suppress insurrection and repel invasion; and when the Governor shall, with the consent of the legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue commander-in-chief of the military forces of the State.

SEC. 5. He shall transact all executive business for and in behalf of the State, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 6. When any office shall from any cause become vacant, and no mode is prescribed by the constitution or laws for filling such vacancy, the Governor shall have power to fill such vacancy by appointment, which shall expire when such vacancy shall be filled by due course of law.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. The Governor may, on extraordinary occasions, convene the legislature by proclamation, and shall state to both houses when organized the purpose for which they have been convened.

SEC. 9. He shall communicate by message to the legislature, at every regular session, the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, of all offenses except impeachment, subject to such restrictions and regulations as are named in this Constitution, or as may be provided by law.

SEC. 11. A Lieutenant-Governor shall be elected at the same time and places and in the same manner as the Governor, and his term of office and his eligibility shall also be the same. He shall be the president of the senate, but shall only have a casting vote therein. In case of impeachment of the Governor, or his removal from office, death, inability to discharge the duties of said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease; and in case of the disability of both the Governor and Lieutenant-Governor, the powers and duties of the executive shall devolve upon the Secretary of State, until such disability shall cease, or the vacancy be filled.

SEC. 12. A Secretary of State, a Treasurer, an Auditor, a Surveyor-General, and an Attorney-General, shall be elected at the same time and places and in the same manner as the Governor; the term of office of each shall be the same as is prescribed for the Governor. Any elector who, except at the first election, shall have resided in this State two years next preceding such election, shall be eligible to any of said offices, except the Secretary of State, whose qualifications shall be the same as those of the Governor.

SEC. 13. There shall be a seal of the State, kept by the Secretary of State, which shall be called the "Great Seal of the State of Utah."

SEC. 14. All grants and commissions shall be in the name and by the authority of the State of Utah, and shall be signed by the Governor, and countersigned by the Secretary of State, who shall affix the great seal of the State thereto.

SEC. 15. The Secretary of State shall be the custodian of the official acts of the legislature, and shall keep a true record of the proceedings of the executive department of the government, and shall, when required, lay the same and all other matters relative thereto, before either branch of the legislature.

SEC. 16. The Secretary of State, Treasurer, Auditor, Surveyor-General, and Attorney-General, shall perform such other duties as may be prescribed by law.

SEC. 17. The Governor shall not, during the term for which he is elected and qualified, be elected to the Senate of the United States.

ARTICLE VI.—JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of this State shall be vested in a Supreme Court, Circuit Courts, and such inferior courts as shall be established and whose jurisdiction shall be determined by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, a majority of whom shall constitute a quorum.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election, and, except as otherwise provided in Section 12, Article XVII, of this Constitution, shall hold office for the term of six years from and including the first Monday in December, next succeeding their election, and until their successors are qualified; the senior Justice in commission shall be Chief Justice; and in case the commissions of any two or more of said justices shall bear the same date, they shall determine by lot who shall be Chief Justice.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases arising under the laws of the State, including special proceedings. The court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus, also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall

have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any circuit court in the State, or before any judge of said courts.

SEC. 5. The State shall be divided into a convenient number of judicial circuits, in each of which shall be elected, by the electors thereof, at the general election, one judge, who shall be the judge of the Circuit Court therefor, and whose term of office shall be four years from and including the first Monday in December next succeeding his election and until his successor shall be qualified. Until otherwise provided by law, there shall be four circuits, as follows: The counties of Weber, Box Elder, Cache, Rich and Morgan shall constitute the first circuit; The counties of Salt Lake, Summit, Davis and Tooele shall constitute the second circuit; The counties of Utah, Juab, Emery, Sanpete, Sevier, Millard, Wasatch and Uintah shall constitute the third circuit, and the counties of Beaver, Iron, Washington, Kaue, Garfield, San Juan and Piute shall constitute the fourth circuit.

SEC. 6. The Circuit Courts shall have both chancery and common law jurisdiction and such other jurisdiction, both original and appellate, as may be prescribed by law; Provided, That nothing herein shall be so construed as to prevent the legislature from conferring limited common law or chancery jurisdiction upon inferior courts.

SEC. 7. The judges of the Circuit Courts may hold court for each other, and shall do so when required by law.

SEC. 8. The Judges of the Supreme and Circuit Courts shall be ineligible to election to any other than a judicial office or to hold more than one office at the same time.

SEC. 9. No person shall be eligible to the office of Supreme or Circuit Judge who is not a male citizen of the United States, and has not attained the age of twenty-five years, and who, except at the first election, has not been a resident of this State at least two years next preceding his election. But nothing in this section shall be construed to prevent the legislature from prescribing additional qualifications.

SEC. 10. The judges of the Supreme and Circuit Courts shall each receive for his services a salary to be fixed by law, which shall not be diminished for the term for which he shall have been elected.

SEC. 11. The legislature shall determine by law the places in each circuit at which the Circuit Courts shall be held, and fix the terms thereof.

SEC. 12. The Supreme Court shall be always open for business, except in case of adjournment, which, in no case shall exceed thirty days. Its sessions shall be held at the seat of government.

SEC. 13. The style of all process shall be "The State of Utah," and all prosecutions shall be conducted in the name and by the authority of the same.

ARTICLE VII.—IMPEACHMENT.

SEC. 1. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation to do justice according to law and evidence, and no person shall be convicted without the concurrence of two-thirds of all the senators.

SEC. 2. The Governor, Judges of the Supreme and Circuit Courts, and other State officers shall be liable to impeachment. When the Governor or Lieutenant-Governor is tried, the Chief Justice of the Supreme Court shall preside, and in all cases judgment shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law.

SEC. 3. When an impeachment is directed, the House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the Senate shall proceed to try the same.

SEC. 4. In all impeachment trials the accused shall have the right to appear, and in person, and by counsel, to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf.

SEC. 5. Any State officer shall be liable to impeachment for corrupt conduct in office, for immoral conduct, for habitual drunkenness, or for any act which, by the laws of the State, may be made a felony.

SEC. 6. The legislature shall determine by law the cause and provide for the removal of any officer whose removal is not herein provided for.

ARTICLE VIII.—MUNICIPAL AND OTHER CORPORATIONS.

SEC. 1. The legislature shall pass no special act conferring corporate powers.

SEC. 2. The legislature shall, by general laws, provide for the organization of cities, towns and villages, and restrict their powers of taxation and assessment.

SEC. 3. The legislature shall provide, by general laws, for the organization of private corporations.