

CONSTITUTION OF THE STATE OF DESERET.

PREAMBLE.

Whereas, all citizens of the United States have the right guaranteed by the Constitution to make those laws by which they are governed; and

Whereas, it appears from a census report, made pursuant to an act of the late legislature, that the Territory of Utah possesses a population sufficiently numerous to justify them in asserting their claims to this inestimable privilege;

Therefore, we the people, grateful to the Supreme Being for the enjoyment of life and mercy, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish the following Constitution:—

ARTICLE I.

BOUNDARY AND NAME.

Sec. 1. All that part of the territory of the United States now known as Utah Territory, and bounded as follows, viz:—On the west by the State of California, on the north by the Territory of Oregon, on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh (37th) parallel of north latitude, is hereby formed into a free and sovereign State, and named Deseret.

ARTICLE II.

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 and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety, happiness, and the public good shall require it.

Sec. 3. All men shall have a natural and inalienable right to worship God according to the dictates of their own consciences; and the General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or to disturb any person in his religious worship or sentiments, and all persons demeaning themselves peaceably, as good members of this State, shall be equally under the protection of the laws; and no subordination or preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be ever required for any office of trust under this Constitution.

Sec. 4. Any person of this State who may hereafter be engaged, directly or indirectly, in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the Constitution and laws of this State.

Sec. 5. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to abridge the liberty of speech or of the press.

Sec. 6. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures.

Sec. 7. The right of trial by jury shall remain inviolate, and all prisoners shall be heard by self, or counsel, at their own election; and no person shall be held to answer a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor be compelled in any criminal case to be a witness against himself.

Sec. 8. All penalties and punishments shall be in proportion to the offence; and all offences before conviction shall be bailable, except capital offences, where the proof is evident, or the presumption great. Excessive bail shall not be required.

Sec. 9. The writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, or the public safety shall require it.

Sec. 10. Treason against this State shall consist only in levying war against it, or adhering to its enemies, or giving them aid and comfort.

Sec. 11. The General Assembly shall pass no bill of attainder, or ex-post-facto law, or law impairing the obligation of contracts.

Sec. 12. The law shall not be suspended but by legislative authority.

Sec. 13. The right of petition by the people shall be preserved inviolate.

Sec. 14. The right of citizens to keep and bear arms for common defence shall not be questioned.

Sec. 15. Private property shall not be taken for public use, without just compensation.

Sec. 16. No standing army shall be kept up in this State in time of peace, and the military shall at all times and in all places be in strict subordination to civil power.

Sec. 17. The enumeration of certain rights shall not be construed to impair or deny others retained by the people.

ARTICLE III.

The powers of government of the State of Deseret shall be divided into three distinct departments, viz:—legislative, executive, and judicial.

ARTICLE IV.

OF THE LEGISLATIVE.

Sec. 1. The legislative authority shall be vested in a General Assembly consisting of a senate and house of representatives, the members of which shall be elected by the people.

Sec. 2. The sessions of the General Assembly shall be annual, until otherwise provided by legislative enactment; and the first session shall be as hereinafter provided.

Sec. 3. The members of the house of representatives shall be chosen biennially, by the qualified electors of their respective districts, whose term of office shall continue two years from the day of their election.

Sec. 4. Senators shall be chosen in the same manner as the representatives, whose term of office shall continue four years from the day of their election.

Sec. 5. No person shall be a member of the General Assembly except he be a free, white, male citizen of the United States, and an inhabitant of this State one year preceding the time of his election, and has at his election an actual residence in the district he may be chosen to represent.

Sec. 6. The General Assembly shall have power to prescribe the number and make the apportionment of senators and representatives; provided, the number of senators shall not be less than one third, nor more than one half of the representatives; and at its first session the General Assembly shall be divided by lot as equally as may be into two classes; the seats of the representatives of the first class shall be vacated at the expiration of one year, and of the senators of the first class, at the expiration of two years.

Sec. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members.

Sec. 8. A majority in each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalty as each house may provide.

Sec. 9. Each house shall have all powers necessary for a branch of the General Assembly of a free and independent government.

Sec. 10. Each member of the General Assembly shall be privileged from civil arrest during any session, and in going to and returning from the same.

Sec. 11. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 12. The members of the General Assembly shall take an oath or affirmation to support the Constitution of the United States and of this State, which may be administered by each other, or by any person qualified to administer oaths.

Sec. 13. The veto power of the Governor shall be allowed by the General Assembly, except on bills which when reconsidered shall be again passed by a majority of two-thirds; and any bill vetoed by the Governor shall be returned within ten days (Sundays excepted) with his objections, otherwise it shall become a law; unless the General Assembly, by adjournment, prevent its return.

Sec. 14. Every law passed by the General Assembly shall take effect from and after its publication, unless otherwise provided at the time of its enactment.

Sec. 15. At the first election after this Constitution takes effect the voters of this State shall elect the same number of senators and representatives as are now elected to the Legislative Assembly of the Territory of Utah, and according to the present apportionment.

Sec. 16. The legislative power of the General Assembly of this State shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and of this State.

ARTICLE V.

OF THE EXECUTIVE.

Sec. 1. The executive power shall be vested in a Governor, whose term of office shall be four years. A Lieutenant Governor shall be elected at the same time, and for the same term, who shall be the president of the senate.

Sec. 2. No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been a citizen of the United States six years, and a resident of this State four years next preceding his election.

Sec. 3. The Governor shall be commander in chief of the militia, navy, and all the armies of this State.

Sec. 4. He shall transact all executive business with the officers of government, civil and military, 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. 5. He shall see that the laws are faithfully executed.

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

Sec. 7. He shall also have power to convene the General Assembly by proclamation, when in his opinion the interests of the State require it.

Sec. 8. He shall communicate by message to the General Assembly at every session the condition of the State, and recommend such measures as he in his wisdom shall deem expedient.

Sec. 9. In case of disagreement in the General Assembly with regard to the time of adjournment, the Governor shall have power to dissolve the session by proclamation.

Sec. 10. No person shall, while holding any lucrative office under the United States or this State, execute the office of Governor, except as shall be prescribed by law.

Sec. 11. The Governor shall have power to grant reprieves and pardons, and commute punishments after conviction, except in cases of impeachment.

Sec. 12. There shall be a seal of this State which shall be kept by the Governor and used by him officially, and be called "Great Seal of the State of Deseret."

Sec. 13. All grants and commissions shall be in the name and by the authority of the people of the State of Deseret, sealed with the Great Seal of State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 14. A Secretary of State, Treasurer, Auditor of Public Accounts, and Attorney General, shall be elected by the General Assembly, who shall continue in office for the term of four years, and shall perform such duties as may be assigned them by law.

Sec. 15. In case of impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor, until such disability shall cease or the vacancy be filled.

ARTICLE VI.

OF THE JUDICIAL.

Sec. 1. The judicial power shall be vested in a supreme court, district courts, and such inferior courts as the General Assembly may from time to time establish.

Sec. 2. The supreme court shall consist of a chief justice and two associates, two of whom shall be a quorum to hold courts.

Sec. 3. The supreme judges shall be elected by the General Assembly for the term of six years after the first election under this Constitution. At said first election one shall be elected for two years, one for four years, and one for six years.

Sec. 4. The judges of the supreme court shall be con-

servators of the peace throughout the State, and shall exercise such other jurisdiction and appellate powers as shall be prescribed by law.

Sec. 5. Until otherwise provided by the General Assembly, the State is hereby divided into eleven judicial districts, as follows:—

G.S.L. and Sum't co's	shall compose the first jud'l dist.
Utah and Cedar Counties	" second "
Junab and San Pete "	" third "
Millard and Beaver "	" fourth "
Iron and Washington "	" fifth "
Carson "	" sixth "
Humboldt, St. Mary's, —	—
Greasewood and Malad "	" seventh "
Cache and Box Elder "	" eighth "
Weber and Davis "	" ninth "
Green River County "	" tenth "
Tooele, Shampip and Deseret Co's "	" eleventh "

Sec. 6. The judges of the district courts shall be elected by the electors of their respective districts, whose term of office shall be two years, and shall have such jurisdiction as may be prescribed by the General Assembly.

Sec. 7. The style of all process shall be "STATE OF DESERET," and all criminal prosecution shall be in the name and by the authority of the people of the State.

ARTICLE VII.

OF ELECTIONS.

Sec. 1. All male persons over twenty-one years of age having a residence of six months in this State, being citizens of the United States, shall be entitled to vote.

Sec. 2. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

Sec. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

Sec. 4. No person in the military, naval, or marine service of the United States, by being stationed in any garrison, barrack, military or naval place or station within this State, shall be entitled to vote, unless otherwise provided for by law.

Sec. 5. No idiot or insane person, or person guilty of any infamous crime shall be entitled to the privilege of an elector.

Sec. 6. The first general election under this Constitution shall be held at such times as the acting Governor of this Territory, by proclamation, shall appoint for the election of a governor, lieutenant governor, representatives in the Congress of the United States, members of the General Assembly, and all other officers of this State, as provided for in this Constitution. Said election shall be conducted and returns made in accordance with the existing laws of the Territory of Utah, at the time when said election shall be called.

Sec. 7. The first meeting of the General Assembly shall be as directed by proclamation by the Governor elect, and subsequent sessions shall be held as provided by law.

ARTICLE VIII.

OF THE MILITIA.

Sec. 1. The militia of this State shall be composed of all able bodied male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, and shall be armed, equipped and trained, as the General Assembly may provide by law.

Sec. 2. All commissioned officers of the militia shall be elected as the General Assembly shall prescribe, and shall be commissioned by the Governor of the State.

ARTICLE IX.

AMENDMENTS OF THE CONSTITUTION.

Sec. 1. If at any time the General Assembly deem it necessary, and for the best interest of the State, that this Constitution be revised, altered, or amended, they shall cause such proposed revisions, alterations, or amendments, to be published in the same manner as provided for notices of elections, and submitted to the votes of the Commonwealth at their next general election; and if a majority of said electors shall vote in favor of such proposed revisions, alterations, or amendments, the same shall thereafter become parts of this Constitution, otherwise this Constitution shall remain unaltered.

ARTICLE X.

MISCELLANEOUS PROVISIONS.

Sec. 1. In order that no inconvenience may arise in passing from a Territorial to a State government, it is hereby declared that the present organization, laws, and everything pertaining to the Territorial government of Utah shall remain in full force and virtue in law, until superseded by the action of the State government under the provisions of this Constitution.

Sec. 2. The compensation of the Governor, Lieutenant Governor, Judges, members of the General Assembly, and all other officers shall be as may be prescribed by law.

Sec. 3. All officers of this State may continue in office until superseded by their successors.

Sec. 4. The officers created by virtue of this Constitution shall take an oath or affirmation to support the Constitution of the United States and of this State, and to faithfully perform the duties of their office.

Sec. 5. The General Assembly shall encourage education.

RESOLUTION.—Resolved, that the Constitution and other documents of this Convention, together with the names of the Delegates to Congress, be laid before the people of this Territory by the Members of this Convention, on the 7th of April next, for their approval or disapproval, and returns thereof shall be made to the President of this Convention on or before the 20th day of April next; and if approved by the people, then the doings of this Convention shall be considered valid; if disapproved, then they shall be null and void.

Report of Tenth Quorum of Seventies.

PRESIDENTS.

Chandler Holbrook, Fillmore City.
Royal Barney, G. S. L. City.
John Scott, on mission to Ireland.
Mile Andrus, Big Cottonwood.
Frederick Pawney, not known.
David McInley, "
Preston Thomas, on mission to Texas.

MEMBERS.

Richard Brazier, Benjamin Hawkins, James McFate, Thorin Symson, William K. Parker, Horace Drake, Isalah

F. Martin, Henry Palmer, Moses Demming and Thomas Jenkins, G. S. L. City.

Orin Jeffards and Edward Pugh, Cottonwood.

Charles Price, West side of Jordan.

Edward Mecham, David E. Bunnell, Provo.

George W. Brimhall, Robert E. Baird, Weber county.

Henry Parker, Cedar valley.

Peter Shirts, Parowan.

Thomas Corbitt, Isalah Whitesides, Ogden City.

Albert Miles, on mission to the Vegas.

Wm. Parson, Richard Steele, Wm. Thornton, American Fork.

James Bennett, Wm. Matthews, Kay's Ward.

Hyrum Mace, Fillmore City.

James Wareham, Samuel Keele, San Pete.

Daniel W. Burbanks, Harrison Severe, Tooele.

Isaac Goodale, Bingham's Fort.

Isaac Butterfield, Fort Herriman.

Canute Peterson, Lehi City.

Miles Miller, Salt Creek.

Chester Southworth, Wm. S. Champlain, Mellin Atwood, Elisha Hill, David Murray, Chester Hill, Elias

Paine, Jonathan M. Newman, James Bradley, Joseph Dodd, John Webster, George D. Van Beck, Wm. D. Morton, Wm. B. Loveland, Wm. Loveland, Daniel D. McArthur, Wm. Van Metre, John Edgar, John W. Mire, Wm.

Duncan, Cyriel Brown, Parrish Pembroke, not known.

Those belonging to the quorum are requested to make out their genealogies and place of residence, and report the same to the clerk as soon as possible. There are many whose genealogies are already on record, but it would not be amiss to give the same again in order that the records may be made out properly. In making out the genealogies you will be careful and note the time and place of birth, town, county and state, name of parents, when baptized, and when ordained.

There is no particular meeting of the quorum at this time, owing to the small number of members residing in the same place. The business pertaining to the quorum can be despatched at present by communicating with the clerk. Any requests of the Presidents will be promptly attended to. You will do well to report soon, or your places might be filled by others.

By request of the presidents.

LYMAN S. WOOD, Clerk.

P. S. My residence I expect for the future will be at Springville City, Utah county, U. T., you will therefore direct any communication you have in relation to the quorum to that place.

L. S. W.

Report of the Twentieth Quorum of Seventies.

PRESIDENTS.

William F. Carter, Provo.
Abraham Losee, Dry creek.
Sylvester H. Earl, G. S. L. City.
David A. Curtis, on mission to England.
Seely Owen, Provo.
Thomas Kurrion, Dry creek.
Zedick K. Judd, Iron county.

MEMBERS.

John B. Atchison, John W. Curtis, Oslah Strong, Thos. Thornton, Simmons P. Curtis, William Hotch, Luke W. Gallop, Noah T. Guyman, Abraham Durfee, at Springville.

Samuel H. Gifford, John Edmonson, George Snow, John H. Tuttle Azariah Tuttle, San Pete.

Ezra H. Curtis, James Guyman, Thomas Howard, Iron county.

Gilbert Hunt, John Garner, Marshal Hunt, San Bernardino.

Alonzo Wright, Isaac Y. Vance, Elias Cox, Elisha Jones, John R. Gilbert, G. S. L. county.

Erastus H. Rud, Abraham Ross, Farmington.

S. B. Dallas, Isaac Morley, G. S. L. City.

James C. Earl, Ogden.

William Vance, on mission to Los Vegas.

Isaac H. Losee, Cedar valley.

Matthew Caldwell, James Woodward, Spanish Fork.

George W. Hancock, Sessions' settlement.

Walter E. Gardner, Peetmeet.

Harrison Boyce, Weber.

Dimond Person, Kay's settlement.

Oliner Dowell, John P. Squire, James E. Williams, Roswell Blood, William Woodland, Luther F. Tuttle, Alexander McCord, Orin McCbrown, Alexander Stevens, Joseph Buff, John Kelsey, John Thornton, Ebon Child, and Samuel H. Williams, will please report themselves, or their places will be filled by good active men. We wish to have a report from every member of the quorum at each April Conference. There will be a meeting of the quorum at the April Conference; we wish all to be present. We wish those who have not, will send in their reports and genealogies to

S. B. DALLAS, Cpk.

17th ward, G. S. L. City.

Report of the Twenty-first Quorum.

The following is a list of the names of the members of the quorum, with their residence as far as known.

PRESIDENTS.

Nathan B. Baldwin, Fillmore.
Alonzo Le Barron, G. S. L. City.
James Beck, "
Stephen Hales, "
David Wilkin, "
Ephraim K. Hanks, "
George W. Taggart, "

MEMBERS.

Robert Crookston, William Price, Orlando F. Mead, Simon Noall, James Tanner, James Shanks, William Robinson, Hans Hanson, Luther S. Hemmingsway, H. L. Southworth, John Squires, Neels Hanson, William Jackson, Andrew Overlade,* William Anderson, Samuel Cornaby, Andrew Beardelson, Wm. Barnes, Richard V. Morris, John Wakely,* W. R. Jones, J. T. Evans, C. H. Brown, Alvah Foster,* E. D. Olsen,* Gammon Heyward, Genhard Jensen, A. Russell, J. T. Balle, Daniel Gamble, Jas. Woods, Isalah Huntsman, G. S. L. City.

O. D. Farlin, Dry creek.

Thomas Steed, North Cottonwood.

Thomas Charlesworth, Orson Tyler, Fillmore.

David Le Barron,* Summit creek.

Coleman Barron, Elijah Allen, Provo.

Edmond Pace, Sessions' settlement.

John W. Dutton, John Gallagher, St. Louis.

Thomas Adair,* John Mangum, George Spencer, Chas. Price, Thomas Carter,* Nephi City.