

elected to each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses.

Sec. 18. No money shall be drawn from the treasury except as appropriated by law.

Sec. 19. In all cases where a general law can be made applicable, the laws shall be general and of uniform operation, and provision shall be made by law for bringing suit against the State.

Sec. 20. The enacting clause of every law shall be as follows: "Be it enacted by the legislature of the State of Deseret;" and no law shall be enacted except by bill.

Sec. 21. The legislature may establish a uniform system of county and township governments.

Sec. 22. The first regular session of the legislature may extend to ninety 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 five days after it shall have been presented to him, (Sunday excepted,) exclusive of the day on which he received it, the same shall be a 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 five days after adjournment, shall file such bill with his approval thereof in the office of the secretary of State.

Sec. 25. At all elections for representatives each qualified elector may cast as many votes for one candidate as there are representatives to be elected in the county or district, or may distribute the same among any or all of the candidates, and the candidates receiving the highest number of votes shall be declared elected.

Article V.—Executive Department.

Sec. 1. The supreme executive power of the 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, 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 returns of every election for governor and other State officers voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of State, and on the third Monday of September, next succeeding such election, the chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of State, and open and canvass the election returns for governor, and all other State officers, and forthwith declare and publish the result, and notify the officers elect of their election. The persons having the highest number of votes for the respective offices shall be declared elected; but in case two or more have an equal, and the highest number of votes for the same office, the legislature, shall by joint vote of both houses, elect one of said persons to said office.

Sec. 5. The governor shall be commander-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. 6. He shall transact all executive business with the officers of the 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. 7. 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. 8. He shall see that the laws are faithfully executed.

Sec. 9. 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. 10. 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. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the legislature by proclamation to such time as he thinks proper; not beyond the first day of the next regular session.

Sec. 12. The governor shall have power to grant reprieves, commutations and pardons, after conviction of all offences except impeachment, subject to such regulations as may be provided by law.

Sec. 13. 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. 14. A secretary of State, a treasurer, an auditor of public accounts, a surveyor-general, a superintendent of public instruction, 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 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. 15. There shall be a seal of the State, which shall be called the "great seal of the State of Deseret," which shall be kept by the secretary of State.

Sec. 16. All grants and commissions shall be in the name and by the authority of the State of Deseret, and shall be signed by the governor, and countersigned by the secretary of State, who shall affix the great seal of State thereto.

Sec. 17. 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 matters relative thereto, before either branch of the legislature.

Sec. 18. The governor, secretary of State, and the attorney-general shall constitute a board of State prison commissioners, which board shall have such supervision of all matters connected with the State prison as may be provided by law. They shall also constitute a board of examiners, with power to examine all claims against the State, (except salaries or compensation of officers fixed by law,) and perform such other duties as may be prescribed by law.

Sec. 19. The secretary of State, State treasurer, auditor of public accounts, surveyor-general, superintendent of public instruction, and attorney-general shall perform such other duties as may be prescribed by law.

Article VI.—Judicial Department.

Sec. 1. The judicial power of this State shall be vested in a supreme court, circuit courts, probate courts, municipal courts of incorporated cities, and in justices of the peace.

Sec. 2. At the first general election, there shall be elected, by the qualified electors of this State, four circuit judges, who shall continue in office, two, four, six and eight years respectively, from, and including the first Monday in January next, succeeding their elections; and until their successors are elected and qualified. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot the term of office each shall fill, and the circuit in which each shall travel; and thereafter when vacancies occur the same shall be filled at the general election; provided, that the legislature may provide by law that the judges shall alternate in the various circuits.

Sec. 3. The circuit judges shall, until otherwise provided by law, constitute the supreme court. When a case is appealed from the decision of a circuit court the judge thereof shall not sit for the hearing of that case as a justice of the supreme court; but said case shall be heard and determined by the other three, and the concurrence of two of them shall be necessary to render a decision; the legislature at any time shall have power to increase the number of circuits in this State, and provide for the election of judges to fill them, and also to reorganize the supreme court and provide for the election and tenure of office of the justices thereof, who shall not be required to perform the duties of circuit judges.

Sec. 4. The supreme court, whenever it shall be organized, as provided for in section three, shall consist of a chief justice and two associate justices, a majority of whom shall constitute a quorum. The legislature, by a majority of all the members elected to each branch thereof, may provide for the election of two additional associate justices, and if so increased, three shall constitute a quorum. The concurrence of a majority of the whole court shall be necessary to render a decision.

Sec. 5. For the purpose of organizing the supreme court, as contemplated in section three, the circuit judges shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine, by lot, the term of office each shall fill, and the justice drawing the shortest term shall be chief justice, and after the expiration of his term, the one having the next shortest term shall be chief justice, after which the senior justice in commission shall be chief justice. And in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot who shall be chief justice.

Sec. 6. The State shall be divided into four judicial circuits; the first to be composed of the counties of Washington, Kane, Iron, Beaver, Piute, Sevier, Millard and Sanpete; the second, of the counties of Juab, Utah, Tooele, Wasatch and Summit; the third, of the counties of Salt Lake, Davis, and Weber; the fourth, of the counties of Box Elder, Cache, Rich and Morgan; and the legislature may provide by law for an alteration of the boundaries of the judicial circuits, as herein prescribed, and for the election of the judges therein by the qualified electors of the respective circuits.

Sec. 7. The supreme court shall have appellate jurisdiction in all cases of quo warranto, mandamus, prohibition, certiorari and habeas corpus, and in all civil cases, both in law and equity, where the amount in controversy exceeds three hundred dollars; and in all criminal cases where the fine exceeds fifty dollars or the imprisonment is sixty days or upwards; and in all cases in which is involved the title or right of possession to, or the possession of real estate or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine. The court shall also have power to issue all writs necessary or proper to the complete exercise of its appellate jurisdiction; and 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.

Sec. 8. There shall be a probate judge elected by the qualified electors of each county at the general election, whose term of office shall be four years, and until his successor is elected and qualified.

Sec. 9. The legislature shall determine the number of justices of the peace to be elected in each precinct of the State, and fix by law their term of office, their duties and responsibilities.

Sec. 10. The jurisdiction, both original and appellate, of the circuit and all inferior courts, shall be as prescribed by law.

Sec. 11. The judges of the supreme and circuit courts shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected.

Sec. 12. No person shall be eligible to the office of supreme or circuit judge, who is not a citizen of the United States, and has not attained to 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.

Sec. 13. The judges of the supreme and circuit courts shall each receive quarterly for their services, a compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected.

Sec. 14. There shall be one or more terms of the circuit courts held annually at the county seat in each county, at such times as shall be provided by law, and there shall be not less than two terms of the supreme court held annually, which terms shall be held at the seat of government.

Sec. 15. The style of all process shall be "the State of Deseret," and all prosecutions shall be conducted in the name and by the authority of the same.

Article VII.—On Impeachment and Removal from Office.

Sec. 1. The house of representatives shall have the sole power of impeachment, and a majority of all the members elected must concur therein. All impeachments shall be tried by the senate, and when sitting as a court of impeachment, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant-governor is tried, the chief justice of the supreme court shall preside.

Sec. 2. No person shall be convicted without the concurrence of two-thirds of all the senators elected. But judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit, under the government of this State.

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. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment and punishment according to law.

Sec. 5. In all impeachment trials the accused shall have the right to appear and defend 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. 6. All civil officers shall be liable to impeachment for corrupt conduct in office, or for crimes or misdemeanors.

Sec. 7. No judicial officer shall exercise his office after an impeachment is directed until he is acquitted.

Sec. 8. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of such officer until he shall be acquitted, or until the election and qualification of a successor.

Sec. 9. The legislature shall provide by law for the removal of any officer elected by a county, township, mining or school district in such manner and for such cause as to them shall be deemed just and proper.

Article VIII.—Municipal and Other