

the first instance shall be as follows: At the general election first herein provided for, each elector shall be entitled to vote for two Justices of the Supreme Court and for two only. The three having the highest vote shall be declared elected, and the one having the highest vote of all shall be Chief Justice; but if no one shall have a higher vote than the others, then the Executive Council shall determine who of the three elected shall be Chief Justice. Thereafter such Justices shall be appointed by the Governor and confirmed by the Senate.

III. The Supreme Court shall be the court of last resort in all cases, civil and criminal, arising under the laws and practice of the State. It should hold at least two terms a year at the capital of the State.

IV. Appeals and writs of error lie to the Supreme court from the district courts only, which shall have original jurisdiction without limit in all cases, civil, criminal and equitable, arising under the laws of the State.

V. There shall be seven judicial districts in the State, but the number may be increased and the geographical boundaries thereof changed by the Legislature whenever necessary. Until otherwise arranged, Salt Lake City shall constitute the First district; the remainder of Salt Lake county with Summit and Tooele counties the Second; Weber and Davis counties the Third; Utah and Juab counties the Fourth; Cache, Rich, Box Elder and Morgan counties the Fifth; Wasatch, Sanpete, Emery, Grand, Carbon and Wayne counties the Sixth, all the remainder of the Territory the Seventh. In all the districts but the First the term shall be divided among the counties in such manner as shall be most convenient to the people, to be announced by executive proclamation until otherwise arranged by the Legislature.

VI. Each district shall have a judge, who shall be appointed by the governor and confirmed by the Senate. His term of office shall be three years. He shall reside in his district during his term of office, but may be temporarily assigned to any other district by the Governor whenever necessary. He shall be not less than thirty years old, learned in the law, have practiced not less than six years in the highest courts and be of good moral character. He shall receive a salary which shall be less than that of the Supreme judges and not exceed \$4,000 a year, and be under the same regulations and restrictions.

VII. Each district shall elect a prosecuting attorney who shall represent the State or any of its interests within the district in which he is chosen. His term shall be, after the first, two years. He shall be a resident of the district, shall be a member of the bar in good standing, have had not less than five years' practice in the highest courts and be of good moral character. His compensation shall be \$250 a year, and such fees as may be provided by law. He shall be a deputy of the Attorney General and may himself have a deputy.

VIII. There shall be a Marshal elected by the voters of the State, whose term of office shall, after the first, be two years. He shall be the chief executive officer of the Supreme

and District Courts, and may have one or more deputies for each if needed. His compensation shall be the same as that of the Attorney General.

IX. Probate Judges shall be elected by the people of the respective counties. Their term of office shall be two years. Their jurisdiction, duties and compensation shall be as provided by law, but until so provided shall remain as under the Territorial Government of Utah.

X. Justices of the peace shall be chosen in each precinct and organized city of the State, in the same manner and with the same jurisdiction as under Territorial Government.

XI. All prosecutions or suits on behalf of the State shall be brought in the name of the State of Utah.

ARTICLE V.—ELECTIONS.

I. A general election shall be held on the first Tuesday after the first Monday in November, 1895, at which shall be chosen all the elective officers previously set out in this Constitution. They shall be sworn in and take possession of their respective offices on the day that Utah shall become a member of the Federal Union and remain in office until the first day of January, 1897. All general elections shall thereafter be held biennially, beginning on the Tuesday after the first Monday in November, 1896, and the officers take their seats on the 1st day of January following. The legislature at its first session shall provide for the times and places and all other matters of detail regarding elections; but until this shall be done the qualifications of voters, places of voting, manner of conducting elections, making returns thereon and certification thereof, shall be as under the Territorial law.

At the same time and for the same terms each county shall elect all the other county officers elected by it prior to the formation of this Constitution, whose duties and compensation shall be the same as previously.

ARTICLE VI.—THE MILITIA.

I. The militia of the Territory of Utah shall hold over and become the militia of the State of Utah, subject to such changes as the law-making power may make.

ARTICLE VI.—REVENUE.

I. Taxation shall never be in excess of the ordinary and reasonable expenses of the state government economically administered, but neither sumptuary nor capitation taxes shall be levied. All public expenditures shall be paid out of the public fund, and no system shall be maintained by means of which indiscriminate exactions are made. Taxation shall conform to the amount of property and other resources which the taxpayer possesses free from incumbrance or legal liability, and the rate ad valorem in no instance shall be varied. Assessments, collections and returns shall otherwise be as under the laws of Utah Territory until changed by law.

ARTICLE VIII.—EDUCATION.

I. The public school system, by means of which education is placed within reach of all without individual cost, shall be maintained, encouraged and amplified as occasion may permit.

ARTICLE IX.—PENALTIES AND JUDGMENTS.

I. There shall be no punishment by

death for the violation of any law. The limit of punishment in any case shall be solitary confinement for life. No cruel or unusual penalties shall be imposed. Prisons, asylums and other places of enforced detention shall be kept as healthy and uncrowded as possible. The discipline in no case shall be more severe than is actually necessary. In working out fines or other penal impositions, eight hours moderate labor shall constitute a day's work, inclusive of an hour at midday for rest and refreshment; no such labor shall be performed on Sundays or public holidays, and in the computation of such service all such days shall be counted as work days.

II. Execution for the satisfaction of a judgment shall not be levied on the immediate necessities of life. In all such levies due regard shall be had for the dependencies and responsibilities of the judgment debtor as well as for his possessions and income. There shall be no imprisonment for debt. All debts not otherwise provided for shall be payable in gold or silver coins of the United States at the option of the debtor.

ARTICLE X.—PROHIBITION.

I. The Legislature is forever prohibited:

From making anything but gold and silver coins of the United States a legal tender in payment of debts, and from discriminating between them;

From impairing the validity of contracts or agreements in themselves lawful, whether the same be in the past, present or future;

From establishing, encouraging or permitting polygamy, slavery, or unwilling bondage, except as a punishment for crime duly ascertained by law;

From using public revenues for private purposes or taking or using, without permission or compensation, private property for public purposes;

From granting special favors, creating invidious distinctions or enacting class legislation;

From making or permitting to be made any religious tests for citizenship or holding office, or in any manner abridging or interfering with any church or society in the matter of performing any rite or promulgating any principle not detrimental to the public welfare or the rights of others;

From placing the military power above or equal to the civil;

From creating needless offices or expenses and legislating any one into office; but this shall not be held to include the election of United States Senators or the confirmation of any appointive officers herein provided for.

ARTICLE XI.—AMENDMENTS.

1.—Amendments to this Constitution may be proposed by the Legislature at any time. These shall be submitted to the people at a regular or special election after thirty days notice given, and if three-fourths of the votes cast are in favor of the amendment, it shall thereupon become a part of the Constitution and shall be so proclaimed by the Governor.

ARTICLE XII.—LAWS APPLICABLE.

1. All the laws in force in this Territory of Utah at the time of the adoption of this Constitution, if not repugnant herewith nor superseded herein, shall be and remain in force until re-