

CONSTITUTION

OF THE

STATE OF DESERET.

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 religion 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 therein, 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 the 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 this convention, thereupon be embraced within and constitute a part of this ordinance.

PREAMBLE.

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

CONSTITUTION.

Article 1.—Declaration of Rights.

Sec. 1. In republican governments all men should possess their natural rights, among which are those of enjoying and defending their lives 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 a 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, shall, without discrimination or preference, forever be allowed in this State; and no person shall be rendered incompetent to be a witness or juror on account of opinions on matters of religion; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness, or other crimes, 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, and in cases of petit larceny, under the regulation of the legislature,) except on presentment or indictment of a grand jury; provided that the legislature may, by a two-thirds vote of all the members elected to each house thereof, abolish the grand jury system, anything in this section to the contrary notwithstanding; 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 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 the manner to be prescribed by law.

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

Sec. 14. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable 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 who 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 defence, shall not be questioned.

Sec. 21. No religious test shall ever be required as a qualification for holding any office of honor, trust or profit under this State;

Sec. 22. 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 citizen of the United States, male and female, (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 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, unless restored to civil rights, and no idiot or insane person, shall be entitled to the privilege of an elector.

Sec. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum; nor while confined in any public prison.

Sec. 3. During the day on which any general election shall be held no qualified elector shall be arrested by virtue of any civil process; and no elector shall be obliged to perform military duty on the day of such election, except in time of war or public danger.

Sec. 4. All elections by the people shall be by ballot, and all elections by the legislature, or by either branch thereof, shall be *viva voce*.

Sec. 5. Provision shall be made by law for the registration of the names of the electors within the counties 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, as hereby established, to preserve the purity of elections and to regulate the manner of holding and making returns of the same; and the legislature shall have power to prescribe by law any other or further rules or oaths as may be deemed necessary, as a test of electoral qualification.

Sec. 6. All persons qualified by law to vote for representatives to the legislative assembly of the Territory of Utah at the date of the submission of this constitution, shall be entitled to vote upon the question of adopting or rejecting the same.

Article III.—Distribution of Powers.

Sec. 1. The powers of the government of the State of Deseret shall be divided into three separate departments—the legislative, the executive and the judicial; and no person charged with the exercise of powers properly belonging to one of these 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 be chosen biennially, by the qualified electors of their respective counties, or districts, on the first Monday in August, and their term of office shall be two years from the day next after their election.

Sec. 4. The senators shall be chosen at the same time and places as the members of the house of representatives, by the qualified electors of their respective counties, or districts, and their term of office shall be four years from the day next after their election, provided however, that the senators elect at the first session of the legislature, shall be divided equally into two classes as nearly as may be; and the seats of senators of the first class shall be vacated at the expiration of two years, those of the second class at the expiration of four years, so that one

half as nearly as possible shall be chosen biennially thereafter. And in case of increase in the number of senators they shall be so annexed by lot to one or the other of the two classes, as to keep them as equal as practicable.

Sec. 5. The first legislature shall consist of thirteen senators and twenty-six representatives, and shall be apportioned as described by law. The number of senators and representatives may be increased from time to time, provided the number of representatives shall never be less than twice that of the senators; and provided further, that the senators shall never exceed thirty in number. The apportionment 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. No person shall 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 one year next preceding his election a resident of the county or district in which he is elected. No person holding any office of profit or trust under authority of the United States, or of this State, shall have a seat in the legislature; provided, that appointments in the State militia, and the offices of notary public, justice of the peace, United States commissioner, commissioner of deeds, and postmaster whose annual compensation does not exceed five hundred dollars, shall not within the meaning of this section, be considered officers of profit or trust.

Sec. 7. The members of the legislature shall, before entering upon their official duties, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and of the State of Deseret, and will faithfully discharge the duties of senator (or representative,) according to the best of my ability, (if an oath) So help me God! (if an affirmation) under the pains and penalties of perjury."

Sec. 8. Each house shall judge of the qualifications, elections and returns of its own members, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all the members elected, 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 elections by the people.

Sec. 10. Members of the legislature shall be privileged from arrest on civil process during the session thereof, and for fifteen days next before the commencement of each session.

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 keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house on any question shall, at the desire of any five 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 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 holding their session.

Sec. 15. Any bill may originate in either house of the legislature, and all bills passed by one may be amended or rejected by the other.

Sec. 16. Each law enacted by the legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but in such case, the act as revised, or section as amended, shall be enacted and published at length.

Sec. 17. A majority of the members