The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 97. MONDAY, MARCH 18, 1895. SALT LAKE CITY, UTAH. VOL. XXVIII.

HERE'S THE FIRST

Article I, Constitution of the State of Utah,

REPORTED BY COMMITTEE,

Preamble and Declaration of Rights Now Before the Convention

FOR DISCUSSION, DISSECTION,

AND ADOPTION TO SUCH EXTENT AS THE CONSTITUTION MAKERS DEEM NATURAL TO THE WANTS OF THE PEOPLE.

The future of the Constitution makers is being fixed. Today was something like ground zero, to the Convention, each important contingent, present ready to manifestate the Preamble, and the Declaration of Rights which now allow Article I of the Constitution. How is the proposed article as reported by the committee, having the work of preparation in hand, and as referred to the committee of the whole.

Preamble.

Humble in dependency upon Almighty God for life and liberty, we, the people of Utah, in order to secure and perpetuate the principles of liberty, do ordain and establish this constitution.

Constitution.

ARTICLE I—DECLARATION OF RIGHTS.

Section 1. All men have equal, inherent and indefeasible rights, among which are those:

To enjoy and defend their lives and liberties;

To acquire, possess and protect property;

To assemble peaceably for the common good, and petition for redress of grievances;

To freely communicate their thoughts and opinions, being responsible for the abuse of the right.

Sec. 2. All political power is inherent in the people, all free governments are founded on their authority and instituted for their benefit, and they have the right to alter or reform their government in the public welfare and happiness.

Sec. 3. The State of Utah is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

Sec. 4. No religious test or qualification shall ever be required for any office of public trust in this State. Perfect toleration in religious sentiment is guaranteed. The free exercise of religious worship without discrimination or preference shall be forever allowed in this State, and no person shall be molested thereof, on religious account or property qualification shall ever be required of any person who may offer to vote, or who may be elected to any vote at any election, nor shall any person be incompetent to testify, or be disqualified from holding office on account of religious belief or the absence thereof. There shall be no union of church and state, nor shall any church control the civil power, or interfere with the exercise thereof in this State. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any church, sect or religious denomination.

Sec. 5. The privilege of the writ of habeas corpus shall not be suspended except when, in case of rebellion or invasion, the public safety imperatively requires it.

Sec. 6. The people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.

Sec. 7. No person shall be deprived of life, liberty, or property, or be outlawed or exiled, without due process of law.

Sec. 8. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption strong.

Sec. 9. Excessive bail shall not be required, nor excessive fines be imposed, nor unusual punishment inflicted. Persons arrested or imprisoned shall be treated with humanity.

Sec. 10. The right of trial by jury shall remain inviolate. But the Legislature may provide for a jury of any number less than twelve, in courts not of record, and may provide that a verdict in civil cases in courts of record may be founded on the concurrence of not less than three-fourths of the jurors. Provided, that in all criminal cases the evidence shall be reduced to writing when requested by either party.

Sec. 11. The right of trial by jury shall be secured to all persons, but the Legislature may provide that persons charged with petty offenses may be tried without a jury.

Sec. 12. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to meet the witnesses face to face, to have compulsory process to compel the attendance of witnesses in his behalf, and to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases, and in no instance shall any witness be required to testify against himself or husband, or be compelled to testify to any fact that may tend to degrade him or subject him to prosecution or to a penalty or forfeiture.

Sec. 13. 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 upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the persons or thing to be seized.

Sec. 14. No law shall be passed to abridge or restrain the freedom of speech or of the press. In all criminal prosecutions for libel, 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, and the jury shall have the right to determine the law and the fact.

Sec. 15. There shall be no imprisonment for debt except in cases of absconding debtors.

Sec. 16. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty, in any part of the State, under regulations to be prescribed by law.

Sec. 18. Slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever be prohibited in this State.

Sec. 20. Private property shall not be taken or damaged for public use without just compensation.

Sec. 21. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for railroads, drains, flumes or ditches, on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes, and in no case shall such property be taken without due compensation.

Sec. 22. The right of every citizen to the fruits of his labor, and his exclusive property therein, shall not be abridged, and shall be protected.

Sec. 23. The provisions of this Constitution are mandatory and prohibitory unless by express words they are declared to be otherwise.

Sec. 24. All laws of a general nature shall have a uniform operation.

Sec. 25. The enumeration of rights shall not be construed to impair or deny others retained by the people.

Sec. 26. Perpetuities and monopolies are contrary to the genius of a free government and shall never be allowed.

Sec. 27. Exclusive privileges or franchises shall not be granted unless the public welfare demands it.

Sec. 28. Frequent recurrence to fundamental principles is necessary to the security of individual rights and the perpetuity of free government.

NELLIE DAVIS UP AGAIN

Motion for a New Trial in Her Case, and Likewise in That of Wm. Lynch.

The legal arguments on motion to set aside the verdict and for a new trial in the case of Nellie Davis, recently convicted on a charge of shooting Edith Karren, daughter of the city material of Lehi, into a house of ill-fame in this city, had been set for hearing before Judge Bartch this morning.

When the matter was called up at 10 o'clock, however, the attorney for the defense, S. P. Armstrong, was not present and a continuance was granted till 2 p. m.

Among the grounds on which the motion is based are the following: That the verdict is contrary to the law and the evidence; that the jury failed to view that the defendant either investigated or extend the girl into the house; that it shows that she have been of previous good character; that the court erred in excluding the public from the court room during the progress of the trial, for reason of which the defendant did not have a public trial, and was thereby deprived of her rights as guaranteed by the constitution of the United States as well as the statutes of this territory; also as to newly discovered evidence.

POLICE COURT.

A Proper Subject for the Reform School—Other Offenders.

A large number of offenders were arraigned before Police Justice Smith this morning, among them being a 14-year-old boy named James Binkley, charged with the mother Mrs. Binkley. Numerous complaints have been made by the guests of the Cliff House to the effect that young Binkley has been going in their rooms and helping himself to whatever he fancied. He is said to have stolen a razor and strop from one, a pair of gloves from another, a pair of slippers from Police Clerk James and a pair of shoes from Mr. Davis Rees. Mr. Rees, it appears, found him with the shoes on his feet and ordered him to go and get the other mates. The boy stated to the court this morning that he had stolen the articles. When asked if he would be willing to go to the Reform School he did not know. The matter was set for 2 p. m., at which time no was discharged.

Ed. Cystrum, charged with keeping a disorderly house and selling liquor on Sunday, plead not guilty, and his case was set for trial tomorrow afternoon at 2 o'clock.

D. L. Levy, charged with having his clothes stolen, was called for trial, and entered a plea of not guilty. From the testimony it appears that accused drove from his home to his place of business, and having his horse untied, went home and had a boy to go out and tie it. He then went back