

CONSTITUTION OF THE STATE OF DESERET.

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.

All that part of the Territory of the United States bounded as follows: beginning on the 37th parallel of north latitude where it intersects the 32d meridian of longitude west from Washington or the 109th meridian of longitude west from Greenwich, thence west on said parallel to the 39th meridian of longitude west from Washington, or the 116th meridian of longitude west from Greenwich, thence east on said parallel to the 32d meridian of longitude west from Washington or the 109th meridian of longitude west from Greenwich, thence south on said meridian to the place of beginning 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 change the same, when their safety, happiness, and the public good require it.

Sec. 3.—All men 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.—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. 5.—The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures.

Sec. 6.—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. 7.—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. 8.—The writ of habeas corpus shall not be suspended, unless in case of rebellion, or invasion, or the public safety shall require it, and then only as provided by legislative enactment.

Sec. 9.—Treason against this State shall consist in levying war against it, or adhering to its enemies, or giving them aid and comfort.

Sec. 10.—The General Assembly shall pass no bill of attainder, ex-post-facto law, nor law impairing the obligation of contracts.

Sec. 11.—The law shall not be suspended but by legislative authority.

Sec. 12.—The right of petition by the people shall be preserved inviolate.

Sec. 13.—The right of citizens to keep and bear arms for common defense shall not be questioned.

Sec. 14.—Private property shall not be taken for public use without just compensation.

Sec. 15.—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. 16.—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, and their 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, and their 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 a residence in the district he may be chosen to represent.

Sec. 6.—The General Assembly shall have power to prescribe the number and make an 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 each House of the General Assembly shall respectively 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 sovereign State.

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 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 under this Constitution the voters of this State shall elect thirteen Senators and twenty six Representatives, in the manner members are now elected to the Legislative Assembly of the Territory of Utah, and according to the apportionment made by the Legislative Assembly during its eleventh annual Session in 1861-62. All subsequent elections shall be held and conducted as prescribed by law.

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.

Sec. 17.—It shall be the duty of the General Assembly to elect two Senators to Congress, as prescribed in Sec. 3, Article I, of the Constitution of the United States.

Sec. 18.—The House of Representatives shall have the sole power of impeachment, and the Senate shall have the sole power to try impeachments. When the Governor or Lieutenant Governor is tried under impeachment, the Chief Justice shall preside. No person shall be convicted under impeachment, without the concurrence of two thirds of the members present.

ARTICLE V.

OF THE EXECUTIVE.

Sec. 1.—The executive power shall be vested in a Governor, whose term of office shall be four years, and until his successor is elected and qualified. A Lieutenant Governor shall be elected at the same time, and for the same term.

Sec. 2.—No person shall be eligible to the office of Governor or Lieutenant Governor, unless he has been a citizen of the United States six years and a resident of this State four years next preceding his election.

Sec. 3.—When the Governor elect has received his certificate of election, he shall qualify for entering upon the duties of his office by taking an oath or affirmation to support the Constitution of the United States and of this State and to faithfully discharge the duties of his office; said oath or affirmation may be administered by any person authorized to administer oaths.

Sec. 4.—The Governor shall be commander in chief of the naval and military forces of this State.

Sec. 5.—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. 6.—He shall use all due diligence for the faithful execution of the laws.

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

Sec. 9.—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. 10.—In case of disagreement in the General Assembly with regard to the time of adjournment, the Governor shall have power to adjourn the session by proclamation.

Sec. 11.—No person shall, while holding any lucrative office under the United States or this State, execute the office of Governor.

Sec. 12.—The Governor shall have power to grant reprieves and pardons and commute punishments, except in cases of impeachment.

Sec. 13.—There shall be a seal of this State, which shall be kept by the Governor and be used by him officially, and be called "Great Seal of the State of Deseret."

Sec. 14.—All grants and commissions shall be "in the name of the State of Deseret," shall be sealed with the Great Seal of State, be signed by the Governor, and countersigned by the Secretary of State.

Sec. 15.—A Secretary of State, Treasurer, Auditor of Public Accounts, and Attorney General shall be elected by the General Assembly, and shall continue in office for the term of four years, and shall perform such duties as may be assigned them by law.

Sec. 16.—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, Circuit courts, Probate courts, and such other courts as the General Assembly may from time to time establish, which shall have such jurisdiction and exercise such powers as may be prescribed by law.

Sec. 2.—The Supreme court shall consist of a chief justice and two associate justices, 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 conservators of the peace throughout the State, and shall exercise such other jurisdiction and appellate powers as shall be prescribed by law.

Sec. 5.—The style of all process shall be "State of Deseret," and all criminal prosecutions shall be "In the name of the State of Deseret."

ARTICLE VII.

OF ELECTIONS.

Sec. 1.—All free, white, male citizens of the United States over twenty-one years of age, having a residence of six months in this State, 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, and while 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.—The first general election under this Constitution shall be held on the first Monday in March next (1862), for the presentation of this Constitution to be accepted or rejected by the electors, and for the election of a Governor, Lieutenant Governor, Representative to the Congress of the United States, and members of the General Assembly, as provided for in this Constitution. Said election shall be conducted in accordance with the existing laws of the Territory of Utah, and the returns made to the secretary, or either of the assistant secretaries of the Convention framing and adopting this Constitution, who shall, so soon as the returns are received, and in the presence of the President or any three members of said Convention, open and examine them and determine whether a majority of votes are "for" or "against" this Constitution, and, if "for," furnish to each person having the highest number of votes for any state office or Representative to Congress a certificate of his election.

Sec. 6.—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 18 and 45 years, except

such as are or may hereafter be exempt by the laws of the United States or of this State, 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.

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.—All officers of this State shall continue in office until superseded by their successors.

Sec. 3.—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. 4.—The General Assembly shall encourage education.

ARTICLE X.

PROVIDING FOR AMENDMENTS TO THIS CONSTITUTION.

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 electors of the State at their next general election; and if two thirds of the votes cast are in favour of such proposed revisions, alterations, or amendments, the same shall thereafter become parts of this Constitution, otherwise this Constitution shall remain unaltered.

Done in Convention, in Great Salt Lake City, by unanimous vote of the Delegates present the twenty second day of January, A.D. 1862, in Witness Whereof, We have hereunto subscribed our names this twenty third day of the month and year above written.

(SIGNED.)

Delegates from Great Salt Lake County:

Daniel H. Wells, President
Reuben Miller,
dent of Convention. Wilford Woodruff,
Abraham O. Smoot, Archibald Gardner,
Elas Smith, Albert Carrington,
James Ferguson, John Taylor.

Delegates from Davis County.

Lot Smith, Christopher Layton,
Thomas Grover, Samuel W. Richards,
Wm. R. Smith,

Delegates from Weber County.

Aaron F. Farr, Jonathan Browning,
Lorin Farr, James McGaw,
Chauncey W. West, Crandell Dunn.

Delegates from Box Elder County.

Alfred Cordon, Jonathan C. Wright,
Lorenzo Snow,

Delegates from Cache County.

Ezra T. Benson, Preston Thomas,
Peter Maughan, William Maughan,
William B. Preston, Seth M. Blair,
Wm. Hyde,

Delegates from Summit County.

Thomas Rhoads, John Reese,
Henry W. Brizzee,

Delegates from Tooele County.

Evan M. Greene, Eli B. Kelsey,
John Rowberry,

Delegate from Shamp County.

Lysander Gee.

Delegates from Cedar County.

Zerubbabel Snow, William Price.

Delegates from Utah County.

Leonard E. Harrington, Lorenzo H. Hatch,
ton, Benjamin F. Johnson,
James W. Cummings, Aaron Johnson,
Albert K. Tharber, W. M. Wall.

Delegates from Juab County.

Timothy B. Foot, Jonathan Midgley,
Israel Hoyt,

Delegates from Sanpete County.

Orson Hyde, William S. Seely,
Frederick W. Cox, Bernard Snow,
Matthew Caldwell, Madison D. Hambleton.

Delegates from Millard County.

Thomas Callister, Levi Savage, junior,
Thomas R. King,

Delegates from Beaver County.

William J. Cox, James H. Rollins,
Edward W. Thompson,

Delegates from Iron County.

Hosea Stout, Horace S. Eldredge,
Silas S. Smith,

Delegates from Washington County.

John M. Moody, George A. Smith,
William Crosby,

At'est:

WILLIAM CLAYTON, Secretary.

GREAT SALT LAKE CITY,
Jan. 23, 1862.

This certifies that the foregoing is a true