HOW WILL THIS DO?

Draft of a Constitution for the State.

READ, EXAMINE, THINK OVER IT.

It Will Do to Shoot at Anyway—It Contains at Least Some Features Worth Remembering.

Editor Deseret News:

Suggestions as to what the constitution of our budding State should and should not contain being the custom of the time, it seemed to me a good thing to get up the whole instrument and let folks all see what it would look like in print. Acting on this idea the subjoined matter is at your disposal. If it have no other use, it may set some others to thinking and from that to work, and thus when the convention convenes it will have its labors already laid out for it.

Yours constitutionally,

S. A. KENNER.

PREAMBLE.

We, the people of the State of Utah, for the purpose of establishing social concord, political equality and popular prosperity in our midst, do ordain and promulgate the succeeding provisions as the charter of our sovereignty and the foundation and limitation of our law-making power.

ARTICLE I.—THE GOVERNMENT.

I. The government of the State of Utah shall consist of three departments—executive, legislative and judicial.

ARTICLE II.—EXECUTIVE DEPARTMENT.

I. The executive department shall consist of a governor, whose term of office, after the first, shall be two years, and in department officers hereinafter provided for. If the Governor shall die, or resign, or be removed during his term, the remainder thereof shall be filled by the Lieutenant Governor, who shall be chosen at the same time as the Governor and possess the same qualifications.

II. The Governor must have been a citizen of the United States for a period of not less than ten years preceding his election and a citizen of Utah for not less than five years. He must be not less than thirty years of age, possessed of at least a common school education and be a qualified voter within the State. These qualifications, with the exception of age (which in no case shall be less than twenty-five years), shall apply to all officers of the State, and hereinotherwise provided for. The Governor shall receive at regular times a salary, to be determined by law for his services, and he shall receive no other compensation, reward, gratuity, or gift whatsoever except such as are of a purely social character. He shall reside at the capital and when necessary for the welfare of the State or any portion thereof he him to visit any other portion of the State, or any other state, a reasonable allowance shall be made for his necessary expenditures.

IV. Before entering upon the discharge of their duties, the Governor, Lieutenant Governor and Executive Council hereinafter provided for shall take an oath to support the Constitution of the United States and of the State, and faithfully and impartially to execute the laws.

V. The Lieutenant Governor shall receive no compensation as such, but shall be paid the same mileage and a per diem equal to one-fourth more than that of Senators, when acting as ex-officio President of the Senate, which he is authorized to do at all times when that body is in session.

VI. The Governor shall be Commander-in-Chief of the militia and naval forces of the State. He shall have power, for good cause shown, to grant reprieves or pardons for any offense against the laws of the State except murder or treason, which can only be forgiven by the law-making power. He shall commission all executive officers hereinafter provided for, and fill all vacancies that may occur in any office of the State except a Justice of the Supreme Court and member of the Legislature.

VIII. The Governor shall, at the beginning of every session of the Legislature, and as often otherwise as he may deem necessary, communicate with the Legislature on subjects of moment to the State, making such suggestions and giving such information as may be pertinent.

IX. He shall, by and with the advice and consent of the Senate, appoint, at or near the beginning of his term, the following department officers: A Secretary of State, an Attorney General, a Superintendent of Public Schools, a Treasurer, and an Auditor of Public Accounts, whose term of office shall, after the first, be two years and until their successors qualify. The duties in detail and compensation of these officers shall be as determined by law. They shall with the Governor constitute the Executive Council and shall reside at the capital during their terms of office.

ARTICLE III—THE LEGISLATURE.

I. The Legislature shall consist of a Senate and an Assembly. No one shall be a Senator or Assemblyman who shall not have attained the age of twenty-five years and has been for at least one year a resident of the district in which he is chosen. The Senate shall be a perpetual body, one-half of the members of which, as nearly as may be, shall be chosen every two years; but in the first instance all shall be chosen and it shall be determined by lot who shall have the full and who the short terms. The Assemblymen shall, after the first, be chosen every two years. Not more than one term shall be held in a year, nor less than a term in two years and no term shall exceed sixty days in duration; but without house or both houses may be called together in extraordinary session by the Governor whenever there is a great and pressing necessity for them.

II. The first Legislature shall consist of fifteen Senators and thirty Assemblymen, apportioned as follows:

SENATE DISTRICTS—1, Cache county; 2, Rich and Box Elder counties; 3, Ogden city; 4, all the remaining in Weber county and Morgan county; 5, Davis and Tooele counties; 6, all of Salt Lake City north of South Temple street; 7, all of Salt Lake City south of South Temple street and north of Third South street; 8, all the remainder of Salt Lake City, including all the district west of the Jordan river; 9, all the remainder of Salt Lake county; 10, Summit; Wasatch and Uintah county; 11, Utah county; 12, Emery, Carbon, Grand, Wayne and San Juan counties; 13, Sanpete and Juab counties; 14, Millard, Beaver and Iron counties; 15, the remainder of the Territory.

For the present, each senate district shall elect two Assemblymen, and at the first meeting of the Legislature each other districting and apportionment may be made as is proper, but the number of members shall not exceed fifteen nor that of Assemblymen thirty until the State shall be entitled more than one Representative in Congress. At such time the Congressional and Legislative districts shall be arranged by the Legislature, and one Senator and three Assemblymen added for each additional Congressman.

III. The compensation of the Legislature and that of the officers thereof shall be determined by law; but in no case shall those the other payments thus per diem and mileage, and no railway or other passes shall be accepted by members going or returning from their legislative duties.

IV. The Senate shall have the sole power of trying impeachments and the Assembly of formulating and presenting articles of impeachment of any officer of the State; and when the Governor or Lieutenant Governor is on trial the Chief Justice shall preside. It shall require a two-thirds vote of the Senate to convict, and conviction shall operate as the immediate removal of the accused from office, but extend no other penalty whatever.

V. Members of the Legislature shall be privileged from arrest for misdemeanors while on their way to attend a regular or special session.

VI. Each house shall be the sole judges of the election and qualification of its members and shall choose its own officers, but none but the presiding officers shall be members.

VII. The mode of enacting laws and approval thereof, together with the method of legislation, shall be the same as are in force in the national government at the time of the adoption of this Constitution.

VIII. The Legislature shall have power to enact all proper and needful legislation not in conflict with the national or this Constitution.

ARTICLE IV.—THE JUDICIARY.

I. The judicial power of the State shall be vested in a Supreme court, in District courts, Probate courts and courts of justices of the peace. But the Legislature may, whenever the needs of the State or any considerable portion thereof require it, create other tribunals, limiting and defining their power.

II. The Supreme court shall consist of three members who shall be learned in the law, have been in actual and reputable practice in the highest courts for not less than ten years, of good, moral character and not less than thirty-five years old. Their salary shall not exceed $5,000 a year each, and they shall not practice law or be concerned in business with any practicing lawyer. Their term of office shall be six years, but in the first instance one shall hold for two years, another for four years, and the remaining one for the full term, the arrangement to be determined by lot. The manner of choosing of the Justices in 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 $3,000 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 subdivisions 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 $500 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 district. 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 by the County Commissioners 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, 1894, at which shall be chosen all the elective officers previously set out in this Constitution. They shall severally 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 last 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 time and place and all other matters of detail regarding elections, but shall in this event in fixing the qualifications of voters, place of voting, manner of conducting elections, making returns thereon and authenticate thereof, shall be as under the Territorial law.

II. At the same time and for the same terms each county shall elect all the other county officers shown for 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 VII.—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 indeterminate exactions are made. Taxation shall conform to the amount of property and other resources which the law may possess free from incumbrance or legal liability, and the rule as uniform 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 sustained, encouraged and amplified as occasion may permit.

ARTICLE IX.—PENALTIES AND JURISDICTION.

I. There shall be no punishment by death for the violation of any law. The limit of imprisonment in any case shall be military 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 unobscured 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 noonday for rest and refreshment; no such labor shall be performed on Sundays of public holidays, and in the computation of such services all such days shall be counted as work days.

II. Execution for the satisfaction of a judgment shall not be levied on the immediate necessaries of life. In all such levies due regard shall be had for the dependences 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 jurisdiction in the courts in law, whether the cause be in the past, present or future;

From establishing, encouraging or permitting polygamy, slavery, or involuntary 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, granting 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 sinecure offices or expenses and abolishing any one such 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.

I.—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 voter 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.

I. 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 repealed or otherwise rendered nugatory by law.

Patient Suffering is no virtue if there be a remedy.

Beecham's Pills

(Named from a Guinea, 1767)

positively cure Indigestion, Biliousness, Sick Headache. Why endure continued Martyrdom.

BERLIN [illegible]

Customs That Would Seem Ridiculous to Two American Girls.

Two young girls were made miserable by an unwritten law which had not been not long ago, writes a late correspondent in Berlin. They were calling upon German women, and as they entered the room they saw that the hostess would be able and was the girls, who they naturally seated themselves. The other another of the other women remained there until they became horribly uncomfortable, not knowing what the accident could possibly have broken them. At last the hostess rose magnificently, saying:

"Young ladies, will you be so kind as to get up and give your seats to these elder ladies?"

The poor little girls were crushed. They remember with the only regulation was further than it was standing. I want to a seemingly given by a relation. Two daughters of fifteen years had been seated in their sections and I was having a beautiful time watching little differences of manner and wondering if all young women were exposed to courtesy and kiss the hands of married women, or my visit to the wife of [illegible]. As the evening wore on I concluded what would be a couple of hours after all the same experiences. When supper was announced there was a short confusion in the placing of the guests, and I found myself in a smaller room with a few others, among them the most important women of the assembly. The table had been drawn up a sofa, and there is where I made my mistake. My new friend, the senator's daughter, motioned me to the sofa, which seemed the best place for a German dinner and approach the sofa and sorry of all American hostess. At the same time the women of importance took a seat on the sofa also. As she apparently spoke neither English nor French, and as I had not been long enough to have acquired fluency in German, her attempts at a conversation was soon given up.

When our hostess came to see if we were all happy, our lady of importance asked who I was, and on receiving a whispered reply sat up very straight and threw herself back on the sofa, exclaiming, "Als mein e'ser mon!" I was seized with a horrible fear that my hostess had told her that I was an American reporter, and I was intensely uncomfortable in spite of my companion's friendliness. After that the great lady was very stiff, and I fear I was very stiffer. Looking again to see if we had friends, I saw her entirely sitting with her back and no longer I felt uncomfortable. If she expected me for my reason I certainly should be ashamed of her, or for even to me. I heard several days later from an American woman friend in Dresden [illegible] [illegible] [illegible]