

## CORRESPONDENCE.

*Written for this Paper.*

### HOW WILL THIS DO?

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.

III. 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, not herein otherwise 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 for 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 this State, and faithfully and impartially to execute the laws.

VI. 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.

VII. 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 appointive 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 from 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 either house or both houses may be called together in extraordinary session by the Governor whenever there is a great and pressing necessity therefor.

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 of 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 Sevier 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 such other districting and apportionment may be made as is proper, but the number of Senators shall not exceed fifteen nor that of Assemblymen thirty until the State shall be awarded 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 there be other payments than 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 entail 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 judge 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 minutiae 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 connected in business with any practising 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