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CONSTITUTION

OF

THE STATE OF UTAH.

ADOPTED BY THE CONVENTION, APRIL 27, 1882.

RATIFIED BY THE PEOPLE, MAY 22, 1882.

SALT LAKE CITY, UTAH.

DESERET NEWS COMPANY, PRINTERS.

1882.

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RESOLUTION

IN RELATION TO A CONSTITUTIONAL CONVENTION.

Resolved, by the Council and House of Representatives of the Territory of Utah:

That the Territorial system is unadapted to the conditions of a community numbering many thousands of citizens, who ought to enjoy the privileges as well as bear their share of the burdens of popular government;

That Utah possesses all the requisite qualifications to entitle her to admission into the Union as a free and sovereign State;

That any further hindrances on the part of Congress to such admission would be unjust and partial, and unwarranted by any facts or circumstances, or by the Constitution of the United States;

That it is the right and the duty of the people of Utah to plead for and demand a republican form of government, so that they and their posterity may enjoy the blessings and liberties, to secure which the founders of this great nation lived and labored, struggled and died;

That the citizens of this Territory have the right not only to assemble and petition for redress of grievances, but also to meet in person or by authorized delegates for the purpose of organizing a State Government, providing for the election of Senators and a Representative to Congress and such State officers as will be requisite, and of taking measures to secure that recognition as an integral portion of the United States of America, as circumstances may render necessary;

That the people of Utah are authorized to meet in their respective precincts to consider these matters and select delegates to county conventions to be held in all the counties in this Territory for the purpose of appointing delegates to a general convention, to meet in the City Hall, Salt Lake City, on Monday, the tenth day of April, 1882, at 12 o'clock m. And the several counties are authorized to send to said convention the following number of delegates, to wit:

Beaver,	2	Rich,	1
Box Elder,	3	Salt Lake,	15
Cache,	6	Sanpete,	5
Davis,	3	Sevier,	3
Emery,	1	Summit,	3
Iron and San Juan,	3	Tooele,	2
Juab,	2	Utah,	8
Kane,	2	Wasatch and Uintah,	2
Millard,	2	Washington,	2
Morgan,	1	Weber,	5
Piute,	1		
		Total,	72

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That said delegates may be qualified by any person authorized to administer oaths and may organize by electing a president and secretary and such other officers as they may deem necessary. The convention, when organized, may frame a State Constitution for the now Territory of Utah; name the proposed State, and define its boundaries, elect or appoint delegates to proceed to Washington and urge the claims and rights of Utah to Statehood, nominate and provide for the election of a Governor, Legislature, Judges, Secretary and other State officers, and a Representative to Congress; to provide for a session of the Legislature for the purpose of electing two United States Senators; and said convention may take such other steps and devise such other measures as may be considered wise for the accomplishment of the object in view;

That the Constitution framed by said Convention and nominations for State and other officers shall be submitted to the people, for their approval or disapproval, at an election to be held at such time and under such regulations and provisions as said convention may determine.

JOS. F. SMITH,
President of Council.

Attest: L. JOHN NUTTALL,
Chief Clerk.

F. M. LYMAN,
Speaker of House of Representatives.

Attest: ARTHUR STAYNER,
Chief Clerk.

CONSTITUTIONAL CONVENTION.

NAMES OF OFFICERS.

President:

JOSEPH F. SMITH.

Vice-Presidents:

L. E. HARRINGTON, EDWARD DALTON.

Secretary:

ARTHUR STAYNER.

Assistant-Secretary:

JUNIUS F. WELLS.

Chaplain:

WILLIAM W. CLUFF.

Sergeant-at-Arms:

B. Y. HAMPTON.

Messenger:

MILANDO PRATT.

NAMES OF DELEGATES.

Beaver County:

JAS. McKNIGHT, JAMES LOWE.

Box Elder County:

T. W. BREWERTON, O. G. SNOW, R. H. BATY.

Cache County:

CHARLES W. NIBLEY, G. W. THATCHER, CHARLES O. CARD, I.
C. THORESEN, JAMES MACK, JOSEPH HOWELL.

Davis County:

ARTHUR STAYNER, PETER BARTON, WM. THURGOOD.

Emery County:

ELIAS COX, DAVID WILLIAMS.

Iron and San Juan Counties:

EDWARD DALTON, SILAS S. SMITH, JOHN MYERS.

Juab County:

EDWIN HARLEY, WM. A. C. BRYAN.

Kane County:

CHARLES N. SMITH, L. JOHN NUTTALL.

Millard County:

JOS. V. ROBINSON, GEORGE CRANE.

Morgan County:

SAMUEL FRANCIS.

Piute County:

CULBERT KING.

Rich County:

JOS. KIMBALL.

Salt Lake County:

JOSEPH F. SMITH, D. H. WELLS, J. T. CAINE, C. W. PENROSE,
 BEN SHEEKS, LE GRANDE YOUNG, W. W. RITER, J. L.
 RAWLINS, J. R. WINDER, EMMELINE B. WELLS, JAMES
 CRANE, SARAH M. KIMBALL, ELIZABETH HOWARD,
 HOSEA STOUT, JAMES SHARP.

Sanpete County:

CHRISTIAN N. LUND, J. P. CHRISTENSEN, REES R. LLEWELLYN,
 HENRY D. REESE, JOHN H. HOUGAARD.

Sevier County:

ALBERT D. THURBER, WM. H. SEEGMILLER, WM. A. WARNOCK.

Summit County:

WM. W. CLUFF, WARD E. PACK, ALMA ELDREDGE.

Tooele County:

WM. C. RYDALCH, THOMAS ATKIN.

Utah County:

A. O. SMOOT, S. R. THURMAN, JOHN S. BOYER, G. D. SNELL, L. E.
 HARRINGTON, J. E. BOOTH, J. S. PAGE, JOHN C. GRAHAM.

Wasatch and Uintah Counties:

HENRY L. ALEXANDER, ABRAM HATCH.

Washington County:

RICHARD BENTLEY, EDWIN G. WOOLLEY.

Weber County:

F. S. RICHARDS, JOSEPH STANFORD, N. TANNER, JR., L. W.
 SHURTLIFF, F. A. HAMMOND.

STANDING COMMITTEES.

On Ordinance and Bill of Rights:

D. H. WELLS, J. T. CAINE, SARAH M. KIMBALL, W. W. RITER,
J. L. RAWLINS, J. E. BOOTH, HOSEA STOUT.

On Legislative Department:

C. W. PENROSE, EDWARD DALTON, WM. THURGOOD, WARD E.
PACK, S. R. THURMAN, C. O. CARD, J. E. BOOTH.

On Executive Department:

FRANKLIN S. RICHARDS, SAMUEL FRANCIS, C. W. NIBLEY,
HOSEA STOUT, LE GRANDE YOUNG, BEN SHEEKS, A. HATCH.

On Judiciary:

L. E. HARRINGTON, A. O. SMOOT, BEN SHEEKS, NATHAN TAN-
NER, JR., LE GRANDE YOUNG, EDWARD DALTON,
D. H. WELLS.

On Municipal and other Corporations:

JOHN T. CAINE, T. W. BREWERTON, REES R. LLEWELLYN,
JONATHAN S. PAGE, JOSEPH STANFORD, J. L. RAWLINS,
JAMES SHARP.

On Finance and State Debt:

G. W. THATCHER, W. A. C. BRYAN, RICHARD BENTLEY, JENS
P. R. CHRISTENSEN, JAMES SHARP, F. A. HAMMOND,
W. E. PACK.

On Education:

ARTHUR STAYNER, EMMELINE B. WELLS, JOHN J. BOYER,
J. T. CAINE, JOHN C. GRAHAM, JOSEPH HOWELL,
L. J. NUTTALL.

On Militia:

JOHN R. WINDER, ALMA ELDREDGE, CULBERT KING, ALBERT
D. THURBER, HOSEA STOUT.

On Taxation:

W. W. CLUFF, A. HATCH, GEORGE CRANE, J. H. HOUGAARD, O.
G. SNOW, L. W. SHURTLIFF, WM. A. WARNOCK.

On Impeachment and Removal from Office:

E. G. WOOLLEY, JAMES CRANE, SARAH M. KIMBALL, WM. C.
RYDALCH, ISAAC DUFFIN, ELIAS COX.

On Public Institutions:

SILAS S. SMITH, THOS. ATKIN, C. O. CARD, JOSEPH KIMBALL,
JAMES MCKNIGHT, HENRY D. REESE, G. D. SNELL.

On Boundaries, Miscellaneous Provisions and Amendments:

JAMES LOWE, H. S. ALEXANDER, PETER BARTON, CHRISTIAN
N. LUND, JOHN MYERS, I. C. THORESON, W. W. RITER.

On Schedule and Election Ordinance:

A. O. SMOOT, R. H. BATY, EMMELINE B. WELLS, EDWIN HARLEY,
JAMES MACK, JOSEPH V. ROBINSON, WM. H. SEEGMILLER.

SPECIAL COMMITTEES.

On Revision and Consolidation:

D. H. WELLS, C. W. PENROSE, F. S. RICHARDS, L. E. HARRING-
TON, JOHN T. CAINE, G. W. THATCHER, A. STAYNER, J. R.
WINDER, W. W. CLUFF, E. G. WOOLLEY, SILAS S. SMITH,
JAMES LOWE, A. O. SMOOT, J. L. RAWLINS, BEN
SHEEKS, LE GRANDE YOUNG, N. TANNER, Jr., S.
R. THURMAN, J. E. BOOTH, JAMES SHARP,
W. W. RITER.

On Memorial:

D. H. WELLS, F. S. RICHARDS, JOHN T. CAINE, C. W. PENROSE,
J. R. WINDER.

On Printing:

CHAS. W. NIBLEY, ABRAM HATCH, JOHN R. WINDER.

General Advisory and Election Committee:

JOS. F. SMITH, D. H. WELLS, F. S. RICHARDS, JOHN T. CAINE,
C. W. PENROSE, J. R. WINDER, ARTHUR STAYNER.

JOURNAL OF PROCEEDINGS.

FIRST DAY.

The Delegates-elect to the State Constitutional Convention assembled at the City Hall, Salt Lake City, Monday, April 10, 1882, at 12 o'clock noon.

Mr. D. H. Wells called the assembly to order, and Mr. C. W. Penrose moved that Mr. Wells be chosen President pro tem. Carried.

Arthur Stayner was chosen Secretary pro tem.

The Chair appointed as Committee on Credentials, Messrs. J. T. Caine, J. E. Booth, W. W. Cluff, F. S. Richards, Edward Dalton.

Mr. Caine, Chairman of Committee on Credentials, reported the following:

April 10, 1882.

Mr. President:

Your Committee on Credentials respectfully report the following named persons representing the several counties of the Territory and entitled to seats as Delegates in this Convention.

JOHN T. CAINE,
Chairman.

Beaver County—James McKnight, James Lowe.

Box Elder County—T. W. Brewerton, O. G. Snow, R. H. Baty.

Cache County—Chas. W. Nibley, G. W. Thatcher, Chas. O. Card,

I. C. Thoresen, James Mack, Joseph Howell.

Davis County—Arthur Stayner, Peter Barton, Wm. Thurgood.

Emery County—Elias Cox.

Iron and San Juan Counties—Edward Dalton, Silas S. Smith, John Myers.

Juab County—Edwin Harley, Wm. A. C. Bryan.

Kane County—Chas. N. Smith, L. John Nuttall.

Millard County—Joseph V. Robinson, George Crane.

Morgan County—Samuel Francis.

Piute County—Culbert King.

Rich County—Joseph Kimball.

Salt Lake County—D. H. Wells, J. T. Caine, C. W. Penrose, Le Grande Young, J. R. Winder, Ben Sheeks, W. W. Riter, J. L. Rawlins, Emmeline B. Wells, James Crane, Sarah M. Kimball, Elizabeth Howard, Hosca Stout, Joseph F. Smith, James Sharp.

Sanpete County—Christian N. Lund, J. P. Christensen, Rees R. Llewellyn, Henry D. Reese, John H. Hougaard.

Sevier County—Albert D. Thurber, Wm. H. Seegmiller, Wm. A. Warnock.

Summit County—Wm. W. Cluff, Ward E. Pack, Alma Eldredge.

Tooele County—Wm. C. Rydalch, Thos. Atkin.

Utah County—A. O. Smoot, L. E. Harrington, S. R. Thurman, J. E. Booth, John J. Boyer, Jon. S. Page, G. D. Snell, John C. Graham.

Wasatch and Uintah Counties—Abram Hatch, Henry S. Alexander.

Washington County—Richard Bentley, Edwin G. Woolley.

Weber County—F. S. Richards, L. W. Shurtliff, Joseph Stanford, F. A. Hammond, N. Tanner, Jr.

Report was accepted.

A communication from Mr. Robert Harkness delegate-elect from Salt Lake County, excusing himself from acting was received and read, and on motion of Mr. Penrose, Mr. Harkness was excused, and Mr. James Sharp, alternate, was substituted.

Roll was called—all present.

Prayer was offered by Mr. A. O. Smoot.

Mr. Penrose moved that a committee of seven be appointed by the Chair, to nominate officers for permanent organization. Carried.

The Chair appointed as said Committee, Messrs. C. W. Penrose, Ben Sheeks, Mrs. S. M. Kimball, Messrs. Richard Bentley, L. E. Harrington, G. W. Thatcher, Ward E. Pack.

After which, on motion of Mr. Booth, the Convention took recess until 4 o'clock p.m.

4 P.M.

Mr. Wells in the chair.

Roll called—quorum present.

Mr. Silas S. Smith officiated as Chaplain.

Mr. Penrose, Chairman of the Committee on Permanent Organization reported as follows:

City Hall, Salt Lake City, April 10, 1882.

Mr. President:

Your Committee on Permanent Organization beg leave to report the following nominations for permanent officers of this Convention, viz:

For President, Hon. Joseph F. Smith.

For Vice-Presidents, Hons. L. E. Harrington and Edward Dalton.

For Secretary, Hon. Arthur Stayner.

For Assistant Secretaries, Mr. Junius F. Wells, Mrs. Elmina S. Taylor and Mr. L. R. Martineau.

For Chaplain, Elder W. W. Cluff.

For Sergeant-at-Arms, B. Y. Hampton.

For Messenger, Milando Pratt.

Respectfully submitted,

C. W. PENROSE,
Chairman.

The report was accepted and the officers named elected.

The President-elect not being present, Vice-President Harrington took the chair.

The roll was called, and

The Chaplain offered prayer.

Mr. Caine, Notary Public, administered the oath to the members and officers present.

Vice-President Harrington then administered the oath to Mr. Caine.

Mr. Caine presented the following:

I move that the following list of Standing Committees be adopted by this Convention and the President appoint the members thereof: On Ordinance and Bill of Rights; on Legislative Department; on Executive Department; on Judiciary; on Municipal and other Corporations; on Finance and State Debt; on Education; on Militia; on Taxation; on Impeachment and Removal from Office; on Public Institutions; on Boundary, Miscellaneous Provisions and Amendments; on Schedule and Election Ordinance.

Pending consideration of which the Convention adjourned until Tuesday, at 10 o'clock a.m.

SECOND DAY.

Tuesday, April 11, 1882.

10 A.M.

Mr. Harrington in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Mr. John T. Caine administered the oath of office to Hon. Joseph F. Smith, President, and Junius F. Wells, Assistant Secretary.

President in the chair.

Journal of Monday read and approved.

A motion to adjourn the Convention until October was made and lost.

Mr. Caine renewed his motion for the appointment of standing committees.

Mr. Rawlins offered as an amendment that one committee of fifteen be appointed.

The amendment was put and lost, and the original motion carried.

Mr. Penrose moved that the number of members on each committee be not to exceed seven. Carried.

By request, Mrs. Elmina S. Taylor and Mr. Martineau, Assistant Secretaries, were excused.

The Committee on Credentials reported that Mr. David Williams had been elected, by a precinct meeting, delegate to the Convention for Emery County, and recommended that, though the regularly elected delegate was already enrolled, under the peculiar circumstances, Mr. Williams be received as an honorary member of the Convention, with the right of debate but not to vote.

The report was adopted and the Committee discharged.

Mr. Cluff moved that the national flag be hoisted during the sittings of the Convention. Carried.

On motion of Mr. Stout, the Convention adjourned at 11.30 a.m., until Wednesday at 10 o'clock a.m.

Benediction by the Chaplain.

THIRD DAY.

Wednesday, April 12, 1882.

10 A.M.

Convention met pursuant to adjournment.

President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of Tuesday read and approved.

Mr. Chas. N. Smith, of Kane County, was excused, and Mr. Isaac Duffin, alternate, substituted on the roll.

The President announced the standing committees.

Mr. Nibley moved that a committee of three be appointed to negotiate for the necessary printing ordered by the Convention.

The motion was carried, and the President appointed Messrs. Nibley, Hatch and Winder, Printing Committee.

Mr. Rawlins moved that the chairmen of the several committees constitute a General Committee of Thirteen, to whom the reports of the several committees may be referred for revision and consolidation. Carried.

Mrs. Emmeline B. Wells moved that, in view of the unavoidable absence of Mrs. Howard, that Mrs. S. M. Kimball be substituted on the Committee on Ordinance and Bill of Rights. Carried.

On motion of Mr. Eldredge, the Convention adjourned at 11:20 a.m., until Thursday at 2 o'clock p.m.

Benediction by the Chaplain.

FOURTH DAY.

Thursday, April 13, 1882.

2 P.M.

Convention assembled pursuant to adjournment.

Mr. Harrington in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

Mr. Richards moved that the following named gentlemen be added to the Committee on Revision and Consolidation, viz: Messrs. Young, Booth, Sheeks, Thurman, Stout, Tanner, Rawlins and Riter. Carried.

The following committees reported:

On Legislative Department; on Municipal and other Corporations; on Finance and State Debt; on Militia; on Taxation; on Impeachment and Removal from Office; on Public Institutions; on Boundaries; on Miscellaneous Provisions and Amendments.

The respective reports were read and referred to the Committee on Revision.

The following report was read and adopted:

Salt Lake City, April 13th, 1882.

Mr. President:

Your Committee appointed to arrange for the necessary printing for this Convention, respectfully report that such arrangement has been made with the Deseret News Company, which has kindly consented to do said printing without any contract for compensation.

CHAS. W. NIBLEY.

Chairman.

On motion of Mr. Richards, Convention adjourned until Friday at 2 o'clock p.m.

Benediction by the Chaplain.

FIFTH DAY.

Friday, April 14, 1882.

2 P.M.

Convention assembled pursuant to adjournment.

President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of Thursday read and approved.

The following committees reported:

On Ordinance and Bill of Rights; on the Executive Department; on Judiciary; on Education; on Schedule and Election Ordinance.

The reports of the several committees were read and referred to the Committee on Revision.

On motion of Mr. Booth, Convention adjourned at 2:55 p.m., until Saturday at 10 o'clock a.m.

Benediction by the Chaplain.

SIXTH DAY.

Saturday, April 15th, 1882.

10 A.M.

Convention assembled pursuant to adjournment.

President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of Friday read and approved.

Mr. D. H. Wells, Chairman of the Committee on Revision, reported progress of that Committee, and asked for further time in which to report more fully.

Report accepted.

A discussion having arisen in regard to the duties of the Committee on Revision,

Mr. Hatch presented the following:

I move that the Committee on Revision and Consolidation be author-

ized to amend, revise and compile the reports submitted to them by the Convention, and be instructed to report the Constitution at the next session to which the Convention may adjourn.

Mr. Hougard, delegate from Sanpete County, was excused.

Carried.

On motion of Mr. Richards, the Convention adjourned at 11:50 a.m., until Wednesday at 2 o'clock p.m.

Benediction by the Chaplain.

SEVENTH DAY.

Wednesday, April 19, 1882.

2 P.M.

Convention assembled pursuant to adjournment.

President in the chair.

Roll called.

Journal of April 15th read and approved.

On motion of Mr. Booth, Mr. Luther T. Tuttle, delegate from Sanpete County, was sworn in and enrolled.

Mr. Wells, Chairman of the Committee on Revision, etc., reported progress of that Committee, and asked for further time to make final report, and stated that the Committee would probably be ready to report in three days.

Mr. Hatch moved that in consideration of the time required by the Committee, that when the Convention adjourns it be until Tuesday, April 25, at 2 o'clock p.m. Carried.

On motion of Mr. Caine, the Convention adjourned at 2:35 p.m., until Tuesday, April 25, at 2 o'clock p.m.

Benediction by the Chaplain.

EIGHTH DAY.

Tuesday, April 25th, 1882.

2 P.M.

Convention met pursuant to adjournment.

President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of April 19th read and approved.

Mr. Page, delegate from Utah County, was excused, and Mr. Boyle, alternate, was sworn in and enrolled.

Mr. Wells, Chairman of the Committee on Revision, etc., made the following report:

Hon. Joseph F. Smith, President, and Members of the Constitutional Convention:

Gentlemen: Your Committee of twenty-one, to whom was referred the duty of the compilation, revision and amendment of the reports of the several Committees, with instructions and authority to prepare the Constitution in a form which your Committee can recommend for adoption, now report that they have acted on said matter as instructed and authorized, and present the accompanying document and recommend its adoption as the Constitution of the future State of Utah.

Your Committee also recommend that the Convention appoint a committee of five to superintend the details of the election for the ratification of the Constitution.

Respectfully,

DANIEL H. WELLS,
Chairman.

Salt Lake City, April 25th, 1882.

Report accepted and the Committee discharged.

On motion of Mr. Rawlins, the Convention went into Committee of the Whole to consider the Constitution reported by the Committee on Revision.

At 3 p.m., the Chairman reported the proceedings of the Committee of the Whole.

Mr. Wells moved that a committee of five be appointed to draft a memorial to Congress, to accompany the Constitution. Carried.

On motion of Mr. Stout, the Convention adjourned at 3:30 p.m., until Wednesday, at 10 o'clock a.m.

Benediction by the Chaplain.

NINTH DAY.

Wednesday, April 26th, 1882.

10 A.M.

Convention met pursuant to adjournment.

President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of the 25th read and approved.

Mr. Woolley, delegate from Washington County, was excused.

On motion of Mr. Richards, the Convention went into Committee of the Whole.

At 12:20 p.m., the Chairman of the Committee of the Whole submitted the following report:

Salt Lake City, April 27th, 1882.

Mr. President, and Members of the Convention:

Gentlemen: The Committee of the Whole beg leave to report that we have carefully considered and amended the Constitution prepared by the Committee on Revision, and herewith present it to the Convention and recommend its adoption as amended.

Respectfully,

JOS. F. SMITH,
Chairman.

Mr. Penrose moved that the Constitution, as reported by the Committee of the Whole, be read the third time by its title. Carried.

The title was read and amended.

Mr. Stout moved that the Constitution be now passed and adopted.

The yeas and nays were then taken.

Ayes—Messrs. R. H. Baty, Peter Barton, T. W. Brewerton, W. A. C. Bryan, J. E. Booth, John S. Boyer, H. G. Boyle, C. O. Card, Elias Cox, Jno. T. Caine, James Crane, J. P. Christensen, W. W. Cluff, Edward Dalton, Isaac Duffin, Alma Eldredge, Samuel Francis, John C. Graham, Joseph Howell, Edwin Harley, Mrs. Elizabeth Howard, Messrs. L. E. Harrington, Abram Hatch, F. A. Hammond, Culbert King, Joseph Kimball, Mrs. Sarah M. Kimball, Messrs. James Lowe, Christian N. Lund, R. R. Llewellyn, James Mack, C. W. Nibley, C. W. Penrose, Jos. V. Robinson, W. W. Riter, Jos. L. Rawlins, Henry D. Reese, Wm. C. Rydalch, F. S. Richards, Arthur Stayner, Ben Sheeks Hosea Stout, Jos. F. Smith, James Sharp, Wm. H. Seegmiller, Geo. D. Snell, L. W. Shurtliff, Jos.

Stanford, Geo. W. Thatcher, I. C. Thoreson, William Thurgood, Albert D. Thurber, S. R. Thurman, Nathan Tanner, Jr., Luther T. Tuttle, Daniel H. Wells, John R. Winder, Mrs. Emmeline B. Wells, Le Grande Young.

Noes—None.

Absent—Messrs. H. S. Alexander, Thos. Atkin, Richard Bentley, George Crane, James McKnight, John Myers, L. John Nuttall, Ward E. Pack, Oliver G. Snow, Silius S. Smith, A. O. Smoot, W. A. Warnock, E. G. Woolley.

The President announced the vote as follows: *Ayes*—59. *Noes*—None. *Absent*—13.

And the Constitution is therefore adopted.

Mr. Riter moved that three engrossed copies of the Constitution be prepared and signed by all the members of the Convention. Carried.

Mr. Thurman moved that when the Convention adjourn it be to meet at this place Tuesday, June 6, at 2 o'clock p.m. Carried.

Mr. Richards moved that five thousand copies of the Constitution, in connection with a list of the names of officers and members of the Convention, the standing committees, and a brief record of the daily proceedings, be printed and distributed under the direction of the President and Secretary. Carried.

The President nominated the Committee to prepare a memorial to Congress.

On motion of Mr. Stout, the President and Secretary, added to the Committee on Memorial, constituted a committee authorized to supervise the election for the ratification of the Constitution.

It was resolved that each member consider himself an advisory committee at large, to give information concerning the Constitution and election, and to answer questions relating thereto.

Mr. Stout moved a vote of thanks to the President, officers, and members of the Convention. Carried.

Mr. Boyer moved a vote of thanks to the Deseret News Company, for printing. Carried.

The Journal was read and approved, and,

On motion of Mr. Graham, the Convention adjourned at 12 o'clock, noon, until Tuesday, June 6, at 2 o'clock p.m.

Benediction by the Chaplain.

CONSTITUTION OF THE STATE OF UTAH.

PREAMBLE.

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

CONSTITUTION.

ARTICLE I. BILL OF RIGHTS.

SEC. 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty and the pursuit of happiness.

SEC. 2. All free governments are founded on the authority of the people, and instituted for their equal protection and benefit.

SEC. 3. The right of trial by jury shall remain forever inviolate.

SEC. 4. The right to worship God, according to the dictates of conscience, shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of, or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.

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.

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 held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger, nor shall any person for the same offence be twice put in jeopardy; nor be compelled in any criminal case to be 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.

SEC. 9. In all criminal prosecutions the accused shall enjoy the right to a

speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

SEC. 10. The State shall pass no law abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and petition the government for the redress of grievances.

SEC. 11. The military shall be subordinate to the civil power.

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. There shall be no imprisonment for debt, except in cases of fraud.

SEC. 15. 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, transmission and inheritance of property as native born citizens.

SEC. 16. 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 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. 17. 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. 18. The right of citizens to keep and bear arms, for common defence, shall not be questioned.

SEC. 19. The blessings of free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

SEC. 20. 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, 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, shall be entitled to the privileges of an elector.

SEC. 2. During the day on which any general election shall be held, no elector shall be obliged to perform military duty, except in time of war or public danger.

SEC. 3. All elections by the people shall be by secret ballot.

SEC. 4. 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.

ARTICLE III.—DISTRIBUTION OF POWERS.

SEC. 1. The powers of the government of the State of Utah shall be divided into three separate departments—the legislative, the executive and the judicial; and neither of said 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, except at the first election, be chosen biennially, by the qualified electors of their respective 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 by the qualified electors of their respective districts, at the same time and places as the members of the house of representatives, and their term of office shall be four years from the day next after their election, except as herein otherwise provided.

SEC. 5. The first legislature shall consist of thirteen senators and twenty-six representatives; the number of senators and representatives may be increased, but the senators shall never exceed thirty in number, and the number of representatives shall never be less than twice that of the senators. The apportionment and increase 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, nor shall any person 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 district in which he is elected. No person holding any State office except officers of the State Militia, commissioners of deeds and notaries public, and no executive or judicial officer shall have a seat in the legislature.

SEC. 7. The members of the legislature shall, before entering upon their official duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of their respective offices.

SEC. 8. Each house shall judge of the qualifications, elections, and returns of its own members, may punish them for disorderly conduct, and with the concurrence of two-thirds of its whole number, 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 election by the people.

SEC. 10. Members of the legislature, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and after the termination thereof.

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 establish its own rules, keep a journal of its own proceedings, and publish them, except such parts as require secrecy, and the yeas and nays of the members of either house, on any question, shall, at the desire of any three 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 house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be holding session.

SEC. 15. The enacting clause of every law shall be as follows: "Be it enacted by the legislature of the State of Utah."

SEC. 16. Any bill or joint resolution may originate in either house of the legislature, and shall be read three times in each house before the final passage thereof, and shall not become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, which shall be entered on the journal.

SEC. 17. No law shall be revised or amended by reference to its title only, but the act as revised, or section as amended, shall be enacted and published at length.

SEC. 18. All bills or joint resolutions passed by the legislature shall be signed by the presiding officers of the respective houses.

SEC. 19. The legislature shall not grant any special privilege or bill of divorce, nor authorize any lottery, gift enterprise or game of chance.

SEC. 20. No money shall be drawn from the treasury except as appropriated by law.

SEC. 21. Provision shall be made by law for bringing suit against the State.

SEC. 22. The first regular session of the legislature may extend to one hundred and twenty days, but no subsequent regular session shall exceed sixty days, nor shall any session convened by the governor exceed twenty days.

SEC. 23. The members and officers of the legislature shall receive for their services a compensation to be fixed by law, and no increase of such compensation shall take effect during the term for which the members and officers of either house shall have been elected.

SEC. 24. Every bill passed by the legislature shall be presented to the governor. If he approve it, he shall sign it, whereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which

it originated, which house shall cause such objections to be entered upon its journal, and proceed to reconsider it. If, after such consideration, it again pass both houses, by a vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within five days after it shall have been presented to him, Sunday excepted, exclusive of the day on which he received it, the same shall be law in like manner as if he had signed it, unless the legislature, by its final adjournment, prevent such return, in which case it shall not become a law unless the governor, within five days after the adjournment, shall file such bill, with his approval thereof, in the office of the secretary of State.

ARTICLE V.—EXECUTIVE DEPARTMENT.

SEC. 1. The supreme executive power of this State shall be vested in a governor.

SEC. 2. The governor shall be elected by the qualified electors at the time and places of voting for the members of the legislature, and shall hold his office for the term of two years, and until his successor shall be qualified.

SEC. 3. No person shall be eligible to the office of governor who is not a qualified male elector, and who, at the time of such election, has not attained the age of twenty-five years, and who, except at the first election under this constitution, shall not have been a citizen resident of this State for two years next preceding the election.

SEC. 4. The governor shall be commander-in-chief of the military forces of this State, and may call out the same to execute the laws, suppress insurrection, and repel invasion; and when the governor shall, with the consent of the legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue commander-in-chief of the military forces of the State.

SEC. 5. He shall transact all executive business for and in behalf of the State, 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. When any office shall from any cause become vacant, and no mode is prescribed by the constitution and 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. 7. He shall see that the laws are faithfully executed.

SEC. 8. The governor may, on extraordinary occasions, convene the legislature by proclamation, and shall state to both houses when organized the purpose for which they have been convened.

SEC. 9. He shall communicate by message to the legislature, at every regular session, the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. The governor shall have power to grant reprieves, commutations and pardons, after conviction, of all offenses except impeachment, subject to such regulations as may be provided by law.

SEC. 11. A lieutenant-governor shall be elected at the same time and places and in the same manner as the governor, and his term of office and his eligibility shall also be the same. He shall be the president of the senate, but shall only have a casting vote therein. In case of impeachment of the

governor, or his removal from office, death, inability to discharge the duties of said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the disability shall cease; and in case of the disability of both the governor and lieutenant-governor, the powers and duties of the executive shall devolve upon the secretary of State, until such disability shall cease, or the vacancy be filled.

SEC. 12. A secretary of State, a treasurer, an auditor, a surveyor-general, a superintendent of public instruction, and an attorney-general, shall be elected at the same time and places, and in the same manner as the governor; the term of office of each shall be the same as is prescribed for the governor. Any male elector who, except at the first election, shall have resided in this State two years, next preceding such election, shall be eligible to any of said offices, except the secretary of State, whose qualifications shall be the same as those of the governor.

SEC. 13. There shall be a seal of the State, kept by the secretary of State which shall be called the "Great Seal of the State of Utah."

SEC. 14. All grants and commissions shall be in the name and by the authority of the State of Utah, and shall be signed by the governor, and countersigned by the secretary of State, who shall affix the great seal of the State thereto.

SEC. 15. The secretary of State shall be the custodian of the official acts of the legislature, and shall keep a true record of the proceedings of the executive department of the government, and shall, when required, lay the same and all other matters relative thereto before either branch of the legislature.

SEC. 16. The secretary of State, treasurer, auditor surveyor-general, superintendent of public instruction, and attorney-general shall perform such other duties as may be prescribed by law.

SEC. 17. The governor shall not, during the term for which he is elected and qualified, be elected to the Senate of the United States.

ARTICLE VI.—JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of this State shall be vested in a supreme court, circuit courts, and such inferior courts as shall be established and whose jurisdiction shall be determined by law.

SEC. 2. The supreme court shall consist of a chief justice and two associate justices, a majority of whom shall constitute a quorum.

SEC. 3. The justices of the supreme court shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday in January next succeeding their election; the senior justice in commission shall be chief justice, and in case the commissions of any two or more of said justices shall bear the same date, they shall determine by lot who shall be chief justice.

SEC. 4. The supreme court shall have appellate jurisdiction in all cases arising under the laws of the State, including special proceedings. The court shall also have power to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may

make such writs returnable before himself or the supreme court, or before any circuit court in the State, or before any judge of said courts.

SEC. 5. The State shall be divided into three or more judicial circuits, in each of which shall be elected, by the electors thereof, one judge, who shall be the judge of the circuit court therein, and whose term of office shall be four years, and until his successor shall be elected and qualified. Until otherwise provided by law, there shall be three circuits, as follows: The counties of Rich, Cache, Box Elder, Weber, Davis, Morgan and Summit shall constitute the first circuit; the counties of Salt Lake, Tooele, Utah, Juab, Wasatch, Uintah, Sanpete and Emery shall constitute the second circuit; and the counties of Sevier, Millard, Beaver, Piute, San Juan, Garfield, Iron, Washington and Kane shall constitute the third circuit.

SEC. 6. The circuit courts shall have both chancery and common law jurisdiction, and such other jurisdiction, both original and appellate, as may be prescribed by law; *Provided*, That nothing herein shall be so construed as to prevent the legislature from conferring limited common law or chancery jurisdiction upon inferior courts.

SEC. 7. The judges of the circuit courts may hold court for each other, and shall do so when required by law.

SEC. 8. The judges of the supreme and circuit courts shall be ineligible to election to any other than a judicial office.

SEC. 9. No person shall be eligible to the office of supreme or circuit judge who is not a male citizen of the United States, and has not attained the age of twenty-five years, and who, except at the first election, has not been a resident of this State at least two years next preceding his election.

SEC. 10. The judges of the supreme and circuit courts shall each receive for his services a salary to be fixed by law, which shall not be diminished for the term for which he shall have been elected.

SEC. 11. There shall be one or more terms of the circuit court held annually at the county seat in each county, at such times as shall be prescribed by law; *Provided*, That two or more counties may be consolidated for judicial purposes.

SEC. 12. The supreme court shall be always open for business, except in cases of adjournment which, in no case, shall exceed thirty days, nor shall any adjournment be taken while business requires the court to be in session. Its sessions shall be held at the seat of government.

SEC. 13. The style of all process shall be "The State of Utah," and all prosecutions shall be conducted in the name and by the authority of the same.

ARTICLE VII.—IMPEACHMENT.

SEC. 1. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath or affirmation to do justice according to law and evidence, and no person shall be convicted without the concurrence of two thirds of all the members.

SEC. 2. The governor, judges of the supreme and circuit courts, and other state officers shall be liable to impeachment. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside, and in all cases judgment shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under this State,

but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law.

SEC. 3. When an impeachment is directed, the house of representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same.

SEC. 4. In all impeachment trials the accused shall have the right to appear, and in person, and by counsel, to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf.

SEC. 5. All State officers shall be liable to impeachment for corrupt conduct in office, for immoral conduct, for habitual drunkenness, and for any act which, by the laws of the State, may be made a felony.

SEC. 6. The legislature shall provide by law for the removal of any officer elected by a district, county, precinct or school district.

ARTICLE VIII.—MUNICIPAL AND OTHER CORPORATIONS.

SEC. 1. The legislature shall pass no special act conferring corporate powers.

SEC. 2. The legislature shall provide for the organization of cities, towns and villages, by general laws, and restrict their powers of taxation, assessment, borrowing money, contracting debts and loaning their credit; but for sanitary purposes and procuring supplies of water for irrigation and other purposes, municipal corporations may borrow money to such amount as may be determined by a two-thirds vote of the electors thereof.

SEC. 3. The legislature shall provide, by general laws, for the organization of private corporations.

SEC. 4. This State shall not donate or loan money, or its credit, subscribe to, or be interested in, the stock of any company, association or corporation, except corporations formed for educational, charitable, reformatory or irrigation purposes, which are to be and remain under the patronage and control of the State.

ARTICLE IX.—FINANCE AND STATE DEBT.

SEC. 1. The legislature shall provide by law for an annual tax, sufficient to defray the expenses of the State.

SEC. 2. The State shall not assume or guarantee the debts of any county, city, town, village or private corporation nor loan money or its credit to or in aid of any individual.

ARTICLE X.—TAXATION.

SEC. 1. The legislature shall by law provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory; *Provided*, that mines and mining claims bearing gold, silver, and other precious metals, except the net proceeds and surface improvements thereof, shall be exempt from taxation for the period of ten years from the date of the adoption of this constitution, and thereafter may be taxed as provided by law.

SEC. 2. The property of the United States, and the property of this State, shall be exempt from taxation, and such property as may belong to any county or municipal corporation or as may be used exclusively for agricultural, horticultural, and scientific societies, or for school, religious, cemetery, or charitable purposes, may be exempt from taxation, but such exemptions shall be only by general law.

SEC. 3. The legislature shall not impose taxes for the purpose of any county, city, town, or other corporation, but may by law vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporations.

SEC. 4. The property of non-residents shall never be taxed higher than that of residents.

ARTICLE XI.—EDUCATION.

SEC. 1. The legislature shall provide for a uniform system of public schools, and may establish free schools, *Provided*, That no sectarian or denominational doctrines shall be taught in any school supported in whole or in part by public funds.

SEC. 2. All legislation in regard to education shall be impartial, guaranteeing to all persons of every race, color and religion, equal rights and privileges.

SEC. 3. The proceeds of all lands that have been or may be granted by the United States to this State for the support of schools, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the legislature may provide, shall be inviolably appropriated to the support of the public schools throughout the State.

SEC. 4. The University of Deseret shall be the University of this State, and be under the control of the legislature, and constitute a public trust. The proceeds of all lands that have been granted by Congress for university purposes, shall be and remain a perpetual fund, the interest of which, together with the rents of unsold lands, shall be appropriated to the support of said university.

SEC. 5. No religious sect or denomination shall ever control or appropriate to its own use, any of the public school or university funds of the State.

ARTICLE XII.—MILITIA.

SEC. 1. The militia of the State shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are, or may hereafter be, exempted by the laws of the United States or of this State, and shall be armed, equipped and disciplined as the legislature may provide by law.

SEC. 2. All officers of the militia shall be elected by persons liable to military duty, in such manner as the Legislature may provide. Staff officers shall be chosen from officers of the line.

ARTICLE XIII.—PUBLIC INSTITUTIONS.

SEC. 1. Institutions for the benefit of the insane, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State.

SEC. 2. A State prison shall be established and maintained in such manner as may be prescribed by law.

SEC. 3. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age and infirmity, or misfortunes, may have claim upon the sympathy and aid of society.

ARTICLE XIV.—BOUNDARY.

The boundary of the State of Utah shall be as follows:

Commencing at a point formed by the intersection of the thirty-second degree of longitude west from Washington, with the thirty-seventh degree of north latitude, thence due west along said thirty-seventh degree of north latitude to the intersection of the same with the thirty-seventh degree of longitude west from Washington; thence due north along said thirty-seventh degree west longitude to the intersection of the same with the forty-second degree of north latitude, thence due east along said forty-second degree of north latitude to the intersection of the same with the thirty-fourth degree of longitude west from Washington; thence due south along said thirty-fourth degree of west longitude to the intersection of the same with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to the intersection of the same with the thirty-second degree of longitude west from Washington; thence due south along said thirty-second degree west longitude to the place of beginning.

ARTICLE XV.—MISCELLANEOUS PROVISIONS.

SEC. 1. The seat of government shall be at Salt Lake City, or such place as the legislature may determine.

SEC. 2. No person shall be eligible to any elective office who is not a qualified elector, and no female citizen shall be eligible to serve as juror.

SEC. 3. The general election shall be held on the first Monday in August of each year, unless otherwise provided by law.

SEC. 4. The legislature shall provide for the speedy publication of all laws.

SEC. 5. The compensation of all State officers shall be as prescribed by law; *Provided*, No change of salary or compensation shall apply to any officer, except a judge of the supreme or circuit court, during the term for which he may have been elected.

SEC. 6. All executive officers of the State shall keep their respective offices at the seat of government.

SEC. 7. A plurality of votes given at any election by the people shall constitute a choice, where not otherwise provided by the constitution.

SEC. 8. No person holding any office of honor or profit under the government of the United States, shall hold office under the government of this State, except postmasters whose annual compensation does not exceed three hundred dollars, and except as otherwise provided in the constitution.

SEC. 9. The returns of every election, except the first for governor and other State officers, shall be sealed up and transmitted to the seat of government by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result in the presence of a majority of the members of each house of the legislature. The person having the highest number of votes shall be de-

clared duly elected, but if any two or more shall be highest and equal in numbers of votes for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 10. All officers, executive, judicial and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to 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 Utah, and will faithfully discharge the duties of the office of _____, according to the best of my ability.

SEC. 11. Until otherwise provided by law, the several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 12. All property, real and personal, owned by either husband or wife before marriage, and that acquired by either of them afterwards, by purchase, gift, devise or descent, shall be the separate property of each.

ARTICLE XVI.—AMENDMENTS.

SEC. 1. Any amendment or amendments to this constitution, if agreed to by a majority of all the members elected to each of the two houses of the legislature, shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be elected, and shall be published for three months next preceding the time of such election, and if in the legislature next elected as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the constitution.

SEC. 2. If at any time the legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this constitution, the electors, shall vote at the next election for members of the legislature, for or against a convention for that purpose, and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention, to be held within six months after the passage of such law; and such convention shall consist of a number of members not less than that of the two branches of the legislature.

ARTICLE XVII.—SCHEDULE AND ELECTION.

SEC. 1. That no inconvenience may arise by reason of a change from a territorial to a State government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, both public and private, shall continue as if no change had taken place, and all process which may issue under the authority of the Territory of Utah previous to its admission into the Union shall be as valid as if issued in the name of the State of Utah.

SEC. 2. All laws of the Territory of Utah, in force at the time of the admission of this State, not repugnant to this constitution, shall remain in

force until they expire by their own limitations, or are altered or repealed by the legislature.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of Utah, or to the people of the United States in the Territory of Utah, shall inure to this State, and all debts, liabilities and obligations of said Territory, shall be valid against the State, and enforced as may be provided by law.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a State government, shall remain valid and shall pass to and be prosecuted in the name of the State; and all bonds executed to the governor of the Territory, or to any other officer or court, in his or their official capacity, or to the people of the United States in the Territory of Utah, shall pass to the governor or other officer or court, and his or their successors in office, for the uses therein respectively expressed, and may be sued on and recovery had accordingly; and all revenue, property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, claims and debts, of whatsoever description, and all records and public archives of the Territory of Utah, shall issue and vest in the State of Utah, and may be sued for and recovered in the same manner and to the same extent by the State of Utah as the same could have been by the Territory of Utah. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offences committed against the laws of the Territory of Utah before the change from a territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Utah, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity, and other legal proceedings which may be pending in any of the courts of the Territory of Utah at the time of the change from a territorial to a State government, may be continued and transferred to and determined by any court of the State having jurisdiction; and all books, papers and records relating to the same shall be transferred in like manner to such court.

SEC. 5. For the purpose of taking the vote of the electors of this Territory for the ratification or rejection of this constitution, a special election shall be held in the several counties of this Territory, on Monday, the twenty-second day of May, A.D. 1882, which shall be conducted in the following manner: The county clerks of the several counties shall cause notices of said election to be posted up in each election precinct in said county, at least ten days before the day of said election. The senior justice of the peace of each precinct shall act as judge of said election, or in case of his absence or inability to act, a judge may be elected by the six electors first assembled at the polls. The judge shall appoint a clerk, whose duty it shall be to keep a list of the names of all persons voting, which list shall form a part of the returns of said election. All votes cast shall first be delivered by the elector to the judge, who shall deposit the same in the ballot box in the presence of the elector and clerk. Ballot boxes and stationery shall be furnished by the county court, and the canvassing of votes and returns of said election of the several precincts shall be as provided in an act entitled "An Act providing for the registration of voters, and to further regulate the manner of conducting elections in this Territory," approved February 22d,

1878, except as herein otherwise provided. The term elector, as used in this section, shall be understood to mean any citizen of the United States, over twenty-one years of age, residing in the Territory.

SEC. 6. Each elector shall vote by a ballot, whereon shall be written or printed "Constitution, yes," or "Constitution, no."

SEC. 7. The county clerks of their respective counties shall forthwith make returns of said election, and transmit the same by the most safe and expeditious conveyance, to Arthur Stayner, the secretary of this convention, enclosed in an envelope marked "Election Returns."

SEC. 8. Upon receipt of said returns, or within fourteen days after the election, if the returns be not sooner received, it shall be the duty of a board of canvassers, to consist of the president and secretary of this convention, and the probate judge of Salt Lake County, or any two of the persons herein named, to canvass the returns of said election in presence of all who may choose to attend, and immediately publish an abstract of the same in one or more of the newspapers in the Territory of Utah, and forward a copy of said abstract, duly certified by them, to the President of the Senate, Speaker of the House of Representatives, and the Delegate in Congress from Utah Territory.

SEC. 9. Until otherwise provided by law, the apportionment of senators and representatives in the different counties shall be as follows: Cache, Rich, Box Elder and Weber counties, shall elect three senators to the legislature; Wasatch, Uintah, Summit and Morgan counties, one; Salt Lake, Davis and Tooele counties, four; Utah and Juab counties, two; Sanpete, Sevier and Emery counties, one; Millard, Beaver, Iron, Garfield and Piute counties, one; Washington, Kane and San Juan counties, one; Cache and Rich counties shall elect three representatives to the legislature; Box Elder County, one; Weber County, two; Wasatch and Uintah counties, one; Summit County, one; Morgan, Salt Lake and Davis counties, seven; Tooele County, one; Utah and Juab counties, four; Sanpete, Sevier and Emery counties, two; Millard County, one; Beaver and Piute counties, one; Iron, Garfield and San Juan counties, one; Washington and Kane counties, one.

SEC. 10. A copy of this constitution, certified to be correct by the president and secretary of this convention, shall be published by them as soon as practicable in one or more of the newspapers in this Territory. Such president and secretary shall, immediately after its ratification, forward a copy of this constitution, duly certified, to the President of the United States, President of the Senate and Speaker of the House of Representatives, and shall deliver or forward a copy, certified as aforesaid, to each of the delegates who may hereafter be elected by this convention.

SEC. 11. The term of State officers, except judicial, elected at the first election, shall continue from the time of qualification until the expiration of two years from the first Monday in January next succeeding their election and until the election and qualification of their successors.

SEC. 12. The State senators to be elected at the first election under this constitution, shall draw lots, so that the term of one-half of the number, as nearly as may be, shall expire at the end of one year from the first Monday in August, next succeeding their election, and the term of the other half shall expire in three years from the first Monday in August next succeeding their election, so that one-half, as nearly as possible, shall be elected biennially thereafter. *Provided, That in drawing lots for all senatoria*

terms, the senatorial representation shall be allotted so that in the counties having two or more senators, the terms thereof shall be divided as equally as may be between the long and short terms, 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 nearly equal as practicable.

SEC. 13. The term of members of the house of representatives elected at the first election shall expire at the end of one year from the first Monday in August next succeeding their election.

SEC. 14. Unless otherwise provided by Congress, the first election under this constitution shall be held on the first Monday in the second month next succeeding the passage of an enabling act or the approval of this constitution by Congress, and such election shall be conducted and returns thereof made and the qualifications of electors shall be as herein provided for the ratification or rejection of this constitution. The first session of the Legislature shall commence, and all officers herein provided for shall enter upon the duties of their respective offices, on the first Monday of the second month next succeeding said election.

SEC. 15. There shall be elected at the first election, under this constitution, three justices of the supreme court, who shall hold office from and including the last Monday in the month next succeeding their election, and continue in office thereafter, two, four and six years respectively, from and including the first Monday in January next succeeding their election. They shall meet as soon as practicable after their election and qualification, and, at their first meeting, shall determine by lot the term of office each shall fill, and the justice drawing the shortest term shall be chief justice, and after the expiration of his term, the one having the next shortest term shall be chief justice.

SEC. 16. All officers under the laws of the Territory of Utah, at the time this constitution shall take effect, shall continue in office until their successors are elected and qualified. The time of such election and qualification shall be as prescribed by law.

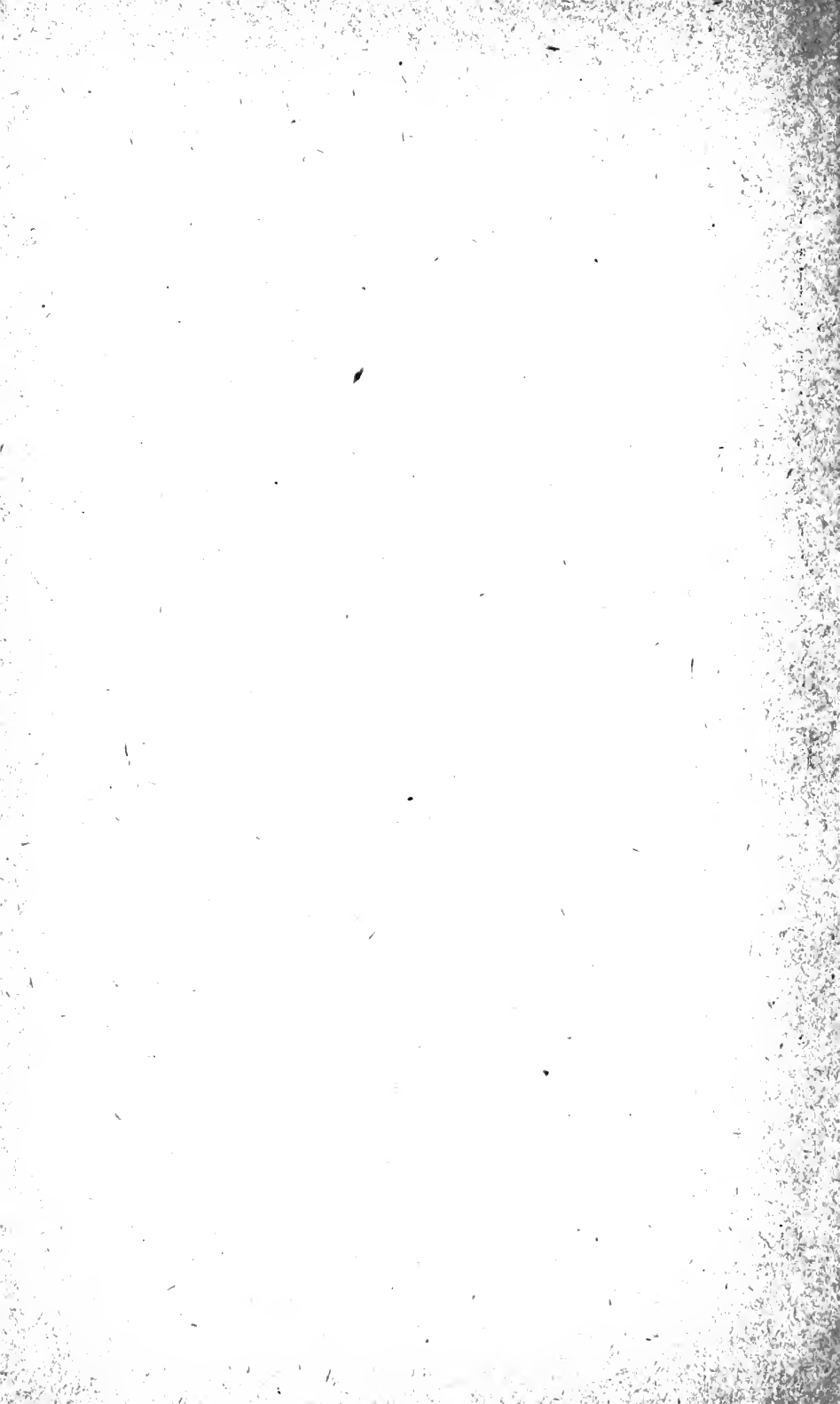
SEC. 17. After the admission of this State into the Union, and until the legislature shall otherwise provide, the several judges shall hold courts in their respective circuits at such times and places as they may respectively appoint; and until provisions shall be made by law for holding the terms of the supreme court, the governor shall fix the time and place of holding such court.

We hereby certify that the foregoing Constitution was adopted in convention, at Salt Lake City, the twenty-seventh day of April, in the year of our Lord one thousand eight hundred and eighty-two, and of the independence of the United States the one hundred and sixth.

JOS. F. SMITH,
President.

ARTHUR STAYNER,
Secretary.

Salt Lake City, April 27, 1882.



ADJOURNED SESSION.

TENTH DAY.

City Hall, Salt Lake City, Tuesday, June 6, 1882.

Convention met pursuant to adjournment.

President in the chair.

Roll called—quorum present.

Prayer by Mr. James Crane.

The following named delegates being unable to attend, were excused from the present session of the Convention:

Messrs. James Lowe, Beaver County; W. H. Sëegmiller, Sevier County; Jos. V. Robinson, Millard County; and the following alternate delegates were enrolled and sworn in: Messrs. Daniel Tyler, Beaver County; Gideon A. Murdock, Sevier County; Wm. Haslam, Cache County, *vice* Jos. Howell.

The Election Committee reported an abstract of the returns of the election held May 22d, as follows:

Returns of the election in the several counties of Utah Territory, held May 22d, 1882, for the ratification or rejection of the Constitution of the State of Utah:

COUNTIES.	CONSTITUTION, YES.	CONSTITUTION, NO.	TOTAL.
Beaver,	559	73	632
Box Elder,	1485	34	1519
Cache,	3113		3113
Davis,	1240	5	1245
Emery,	200		200
Garfield,	314		314
Iron,	459	2	461
Juab,	733	28	761
Kane,	757	1	758
Millard,	792		792
Morgan,	374	2	376
Piute,	182	33	215
Rich,	208		208
Salt Lake,	5358	16	5374
Sanpete,	2646	12	2658
Sevier,	872		872
Summit,	697	1	698
Tooele,	650	75	725
Utah,	4089	23	4112
Wasatch,	430	1	431
Washington,	710	184	894
Weber,	1946	8	1954
Total,	27814	498	28312

TERRITORY OF UTAH, }
 County of Salt Lake, }

We the undersigned hereby certify that the foregoing is a correct abstract of returns of election held in the several counties of Utah Territory on May 22, 1882, for the ratification or rejection of the Constitution of the State of Utah.

Witness our hands this fifth day of June, A. D. 1882.

JOSEPH F. SMITH,
President of Constitutional Convention.

ARTHUR STAYNER,
Secretary of Constitutional Convention.

E. SMITH,
Probate Judge of Salt Lake County.

Report accepted.

Mr. D. H. Wells presented the following:

I move that, as the Constitution has been adopted by so large an affirmative vote, that a committee of seven be appointed by the Chair to nominate delegates to take the Memorial and Constitution to Congress and apply for admission of the State of Utah into the Union.

Carried.

The President appointed the following nominating committee: Messrs. Daniel H. Wells, A. O. Smoot, L. John Nuttall, Geo. W. Thatcher, F. A. Hammond, Edwin G. Woolley, Mrs. Emmeline B. Wells.

The Committee on Memorial reported their labors and accompanying Memorial.

Report accepted and the Memorial laid over until to-morrow.

The President reported that three engrossed copies of the Constitution were prepared ready for the signatures of the delegates.

After the signing by the delegates present, the Convention adjourned until Wednesday at 10 o'clock a. m.

Benediction by Mr. A. O. Smoot.

ELEVENTH DAY.

Wednesday, June 7.

10 A. M.

President in the chair.

Roll called—quorum present.

Prayer by Mr. Boyle.

Communications were received from Messrs. Cluff and Atkin, of Summit and Tooele Counties, stating that they were unavoidably detained from attendance, and, on motion of Mr. Caine they were excused.

The Memorial reported by the Committee yesterday was taken up, amended and adopted.

The President reported that two thousand copies of the Constitution pamphlet had been printed and distributed, and that the remaining three thousand copies ordered would be made more complete by the addition of the Legislative Resolution calling the Convention, the Memorial and the proceedings of the present session of the Convention, before distribution.

Report approved.

The Committee on Nominations submitted the following report:

Mr. President and Members of the Convention:

Your Committee on Nominations beg leave to recommend that seven delegates be chosen to present the Memorial and Constitution to Congress, and respectfully place the following names in nomination for said delegates:

Wm. H. Hooper, Salt Lake County.

John T. Caine, “

James Sharp, “

W. W. Riter, “

F. S. Richards, Weber County.

D. H. Peery, “

W. D. Johnson, Jr., Kane County.

Respectfully,

D. H. WELLS,

Chairman of Committee.

Salt Lake City, June 7th, 1882.

Report accepted, and the gentlemen nominated by the Committee were appointed by the unanimous vote of the Convention.

Mr. Penrose moved that the delegates be instructed to proceed to Washington in time to present the Memorial and Constitution to Congress at its present session, and take such measures as in their judgment are best calculated to effect the object in view. Carried.

Mr. Boyer moved that when the Convention adjourn, it be to meet on Monday, October 9, at 2 o'clock p. m., at this place, unless sooner called by the President. Carried.

The Journal was read and approved.

On motion of Mr. Caine, at 12:45 p. m., the Convention adjourned.

Benediction by Mr. D. H. Wells.

MEMORIAL.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Gentlemen—The citizens of the United States in the Territory of Utah, through their delegates in Convention, respectfully present this Memorial, asking for their admission into the Federal Union as a free and sovereign State, on the same footing as the other States, under the name of the State of Utah; and herewith submit the Constitution which they have adopted.

When the people who opened this vast region to civilization, and rendered possible its settlement by the advanced races, first planted their feet upon the virgin soil of these valleys, it was part of the domain of the Republic of Mexico; five hundred of their stalwart men were in the field aiding in the war with that Power, and they occupied this part of the country as loyal citizens of the United States, and, unfurling its flag to the mountain breeze, proceeded to organize a provisional government, preparatory to becoming a part of the Federal Union. When, by the treaty of Guadalupe Hidalgo, this portion of Mexico was ceded to the United States, they sought at once, by proper means, to secure the rights and privileges of statehood. California, the settlement of which by citizens of the United States was largely due to the people of this Territory, made application at the same time as they, for admission into the Union, and was successful. To Utah was granted a territorial form of government. For thirty-two years, the citizens of this Territory have been kept out of

the Union, and under the disadvantages of a system, which, in many respects, is foreign to the principles of democratic republicanism. They now, for the fourth time, approach your Honorable Body, with their respectful petition for that republican form of government which Congress is required by the Constitution, to guarantee to every State in the Union.

And they submit that Utah has outgrown the conditions, if they ever existed, which justified the establishment of that imperfect political system which has been so long continued. Her population numbers at least 150,000 souls. Her agricultural, stockraising, manufacturing, mineral and other resources and industries, are of such magnitude that she is abundantly able to bear the burdens and meet the expenses involved in independent statehood. Her cities, towns and villages exhibit all the marks of thrift, prosperity and order that indicate capacities for self-government. Unaided by any extraneous assistance, schools for the education of her children flourish in every settlement within her borders. The local laws protect life and property with more than common safety, and extend all possible liberty to persons of every party, creed and race, without distinction. Railroads and telegraph lines connect her people with each other and with all parts of this great nation, and they are familiar with the common interests and public questions which blend the various States in political unity. There is nothing to prevent Utah from taking an active part in the Federal compact but those barriers of prejudice which have been built up chiefly through misrepresentation aided by unfamiliarity with the facts.

We further submit that the exercise of absolute and unlimited power over the great body of citizens inhabiting this Territory, which is claimed by Congress as a right, is anti-republican in theory, and most oppressive in practice. We have no voice in the election of the national legislators who, without understanding our condition, occasionally make laws to govern us, or of those authorities who appoint officials to conduct our affairs. The Governor, placed over us without our consent, has the power to render void all the acts of the Legislature elected by the people, by simply withholding his

signature thereto. This absolute veto power is added to the supreme authority of Congress to abolish or make null all or any of our local laws. The essential principles of American republicanism, as enumerated in the Declaration of Independence, are thus grossly violated, and the people of Utah are kept in a condition of vassalage alike unworthy of a free government, irksome to those who are compelled to endure it, and subversive of the inalienable rights of man.

We direct the attention of your honorable body to the pledged word of the nation, in the treaty before mentioned, agreeing that the people residing in this region at the time of its ratification, should be "incorporated into the Union of the United States, and be admitted at the proper time to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution, and meanwhile should be protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction." Abstaining from any inquiry as to whether these guaranties have been fulfilled by the government in the case of Utah, we ask whether the proper time has not now arrived when her people should be admitted to the full-rights and privileges of citizens of the United States, the same conditions being required as of other communities seeking the status of independent statehood?

We present with confidence the Constitution framed by this Convention, and ratified by the people of this Territory at the polls, the election being held May 22d, 1882, when 27,814 ballots were cast in its favor, and but 498 against it. We think it will be conceded that it provides for the State of Utah a republican form of government; and we urge that this being guaranteed beyond dispute, the Constitutional requirement is complied with, and nothing stands lawfully in the way forbidding Congress to authorize the admission of Utah into the Union.

In conclusion, we respectfully suggest that by granting what we believe to be our rights under the Constitution and the treaty made with Mexico, benefits will accrue not only to the new State but to the nation at large, in the settlement of questions that have frequently produced great and unprofit-

ble agitation; in the addition of one more vigorous and promising commonwealth to the Federal Union; and in the security which will be the consequence to every interest in this important section of the country which is calculated to add to the wealth, power and perpetuity of the glorious Republic in which we desire to become incorporated.

And as in duty bound your memorialists will ever pray.

Adopted in Convention at Salt Lake City, Utah Territory, on the seventh day of June, A.D. 1882, by unanimous vote, and ordered to be signed by the President and Secretary.

SIGNED	{	JOSEPH F. SMITH,
		<i>President.</i>
	{	ARTHUR STAYNER,
		<i>Secretary.</i>





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