KANSAS STATE CONSTITUTION.

CONSTITUTION
OF THE
STATE OF KANSAS.
Adopted at Wyandott, July 29, 1859

ORDINANCE.

Whereas, the Government of the United States is the proprietor of a large portion of the Lands included in the limits of the State of Kansas as defined by this Constitution; and whereas the State of Kansas will possess the right to tax said lands for purposes of government, and for other purposes; Now, therefore, be it ordained by the people of Kansas, that the right of the State of Kansas to tax such lands, is relinquished forever, and the State of Kansas will not interfere with the title of the United States to such lands, nor with any regulation of Congress in relation thereto, nor tax non-residents higher than residents; *Provided* always, that the following conditions be agreed to by Congress:

Section 1. Sections numbered sixteen and thirty-six in each township in the State, including Indian reservations and Trust lands, shall be granted to the State for the exclusive use of Common Schools; and when either of said sections, or any part thereof, has been disposed of, other lands of equal value, as nearly contiguous thereto as possible, shall be substituted therefor.

Sec. 2. That seventy-two sections of land shall be granted to the State for the erection and maintenance of a State University.

Sec. 3. That thirty-six sections shall be granted to the State for the erection of public buildings.

Sec. 4. That seventy-two sections shall be granted to the State for the erection and maintenance of charitable and benevolent institutions.

Sec. 5. That all salt springs, not exceeding twelve in number, with six sections of land adjacent to each, together with all mines, with the lands necessary for their full use, shall be granted to the State for works of public improvement.

Sec. 6. That five per centum of the proceeds of the public lands in Kansas, disposed of after the admission of the State into the Union, shall be paid to the State for a fund, the income of which shall be used for the support of Common Schools.

Sec. 7. That the Five Hundred Thousand acres of land to which the State is entitled under the Act of Congress entitled "An Act to appropriate the proceeds of the sales of public lands and grant pre-emption rights," approved September 4th, 1841, shall be granted to the State for the support of Common Schools.

Sec. 8. That the lands hereinbefore mentioned shall be selected in such manner as may be prescribed by law, such selections to be subject to the approval of the Commissioner of the General Land Office of the United States.

PREAMBLE.

We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the State of Kansas, with the following boundaries, to-wit: Beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning.

BILL OF RIGHTS.

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

Sec. 2. All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the Legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.

Sec. 3. The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.

Sec. 4. The people have the right to bear arms for their defence and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.

Sec. 5. The right of trial by jury shall be inviolate.

Sec. 6. There shall be no slavery in this State; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

Sec. 7. 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. 8. The right to the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of invasion or rebellion.

Sec. 9. All persons shall be bailable by sufficient sureties except for capital offences, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

Sec. 10. In all prosecutions the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offence.

Sec. 11. The liberty of the press shall be inviolate: and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such right; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.

Sec. 12. No person shall be transported from the State for any offence committed within the same, and no conviction in the State shall work a corruption of blood or forfeiture of estate.

Sec. 13. Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.

Sec. 14. No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.

Sec. 15. The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.

Sec. 16. No person shall be imprisoned for debt except in cases of fraud.

Sec. 17. No distinction shall ever be made between citizens and aliens in reference to the purchase, enjoyment or descent of property.

Sec. 18. All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.

Sec. 19. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the State.

Sec. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

Article I.--Executive.

Section 1. The Executive Department shall consist of a Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Attorney General, and Superintendent of Public Instruction, who shall be chosen by the electors of the State at the time and place of voting for members of the Legislature, and shall hold their offices for the term of two years from the second Monday of January, next after their election, and until their successors are elected and qualified.

Sec. 2. Until otherwise provided by law, an abstract of the returns of every election, for the officers named in the foregoing section, shall be sealed up and transmitted by the Clerks of the Boards of Canvassers of the several counties, to the Secretary of State, who, with the Lieutenant-Governor and Attorney General, shall constitute a board of State Canvassers, whose duty it shall be to meet at the State Capital on the second Tuesday of December succeeding each election for State Officers, and canvas the vote for such officers and proclaim the result; but in case any two or more have an equal and the highest number of votes, the Legislature shall by joint ballot choose one of said persons so having an equal and the highest number of votes for said office.

Sec. 3. The supreme executive power of the State shall be vested in a Governor, who shall see that the laws are faithfully executed.

Sec. 4. He may require information in writing from the officers of the executive department, upon any subject relating to their respective duties.

Sec. 5. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall, at the commencement of every session, communicate in writing such information as he may possess in reference to the condition of the State, and recommend such measures as he may deem expedient.

Sec. 6. In case of disagreement between the two houses in respect to the time of adjournment, he may adjourn the Legislature to such time as he may think proper, not beyond its regular meeting.

Sec. 7. The pardoning power shall be vested in the Governor, under regulations and restrictions prescribed by law.

Sec. 8. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially, and which shall be the great seal of Kansas.

Sec. 9. All commissions shall be issued in the name of the State of Kansas, signed by the Governor, countersigned by the Secretary of State, and sealed with the Great Seal.

Sec. 10. No member of Congress, or officer of the State or of the United States, shall hold the office of Governor, except as herein provided.

Sec. 11. In case of the death, impeachment, resignation, removal or other disability of the Governor, the power and duties of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the President of the Senate.

Sec. 12. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a President pro tempore, to preside in case of his absence or impeachment, or when he shall hold the office of Governor.

Sec. 13. If the Lieutenant Governor, while holding the office of Governor, shall be impeached or displaced, or shall resign or die, or otherwise become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Sec. 14. Should either the Secretary of State, Auditor, Treasurer, Attorney General, or Superintendent of Public Instruction, become incapable of performing the duties of his office for any of the causes specified in the thirteenth section of this Article, the Governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the unexpired term.

Sec. 15. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

Sec. 16. The officers of the executive department, and of all public State institutions, shall, at least ten days preceding each regular session of the Legislature, severally report to the Governor, who shall transmit such reports to the Legislature.

Article II.--Legislative.

Section 1. The Legislative power of this State shall be vested in a House of Representatives and Senate.

Sec. 2 The first House of Representatives under this Constitution shall consist of seventy-five members, who shall be chosen for one year. The first Senate shall consist of twenty-five members, who shall be chosen for two years. After the first election, the number of Senators and members of the House of Representatives shall be regulated by law, but shall never exceed one hundred Representatives and thirty three Senators.

Sec. 3. The members of the Legislature shall receive as compensation for their services, the sum of three dollars for each day's actual service at any regular or special session, and fifteen cents for each mile traveled by the usual route in going to and returning from the place of meeting, but such compensation shall not in the aggregate exceed the sum of two hundred and forty dollars for each member as per diem allowance for the first session held under this Constitution, nor more than one hundred and fifty dollars for each session thereafter, nor more than ninety dollars for any special session.

Sec. 4. No person shall be a member of the Legislature who is not at the time of his election a qualified voter of, and a resident in, the county or district for which he is elected.

Sec. 5. No member of Congress or officer of the United States shall be eligible to a seat in the Legislature. If any person after his election to the Legislature, be elected to Congress or elected or appointed to any office under the United States, his acceptance thereof shall vacate his seat.

Sec. 6. No person convicted of embezzlement or misuse of the public funds shall have a seat in the Legislature.

Sec. 7. All State officers before entering upon their respective duties, shall take and subscribe an oath or affirmation to support the Constitution of the United States and the Constitution of this State, and faithfully to discharge the duties of their respective offices.

Sec. 8. A majority of each House shall constitute a quorum. Each House shall establish its own rules; and shall be judge of the elections, returns and qualifications of its own members.

Sec. 9. All vacancies occurring in either House shall be filled for the unexpired term by election.

Sec. 10. Each House shall keep and publish a journal of its proceedings. The yeas and nays shall be taken and entered immediately on the journal, upon the final passage of every bill or joint resolution Neither House, without the consent of the other, shall adjourn for more than two days, Sundays excepted

Sec. 11. Any member of either House shall have the right to protest against any act or Resolutiou; and such protest shall, without delay or alteration, be entered on the journal.

Sec. 12. All bills shall originate in the House of Representatives, and be subject to amendment or rejection by the Senate.

Sec. 13. A majority of all the members elected to each House, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

Sec. 14. Every bill and joint resolution passed by the House of Representatives and Senate, shall, within two days thereafter, be signed by the presiding officers, and presented to the Governor; if he approve, he shall sign it; but if not, he shall return it to the House of Representatives, which shall enter the objections at large upon its journal and proceed to reconsider the same. If, after such reconsideration, two-thirds of the members elected shall agree to pass the bill or resolution, it shall be sent, with the objections, to the Senate, by which it shall likewise be reconsidered; and if approved by two-thirds of all the members elected, it shall become a law. But in all such cases, the vote shall be taken by yeas and nays, and entered upon the journals of each House. If any bill shall not be returned within three days' (Sundays excepted,) after it shall have been presented to the Governor, it shall become a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall not become a law.

Sec. 15. Every bill shall be read on three separate days in each House, unless in case of emergency. Two-thirds of the House where such bill is pending may, if deemed expedient, suspend the rules; but the reading of the bill by sections, on its final passage, shall in no case be dispensed with.

Sec. 16. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

Sec. 17. All laws of a general nature shall have a uniform operation throughout the State; and in all cases where a general law can be made applicable, no special law shall be enacted.

Sec. 18. All power to grant divorces, is vested in the District Courts, subject to regulation by law.

Sec. 19. The Legislature shall prescribe the time when its acts shall be in force, and shall provide for the speedy publication of the same; and no law of a general nature, shall be in force until the same be published. It shall have the power to provide for the election or appointment of all officers, and the filling of all vacancies not otherwise provided for in this Constitution.

Sec. 20. The enacting clause of all laws shall be "Be it enacted by the Legislature of the State of Kansas;" and no law shall be enacted except by bill.

Sec. 21. The Legislature may confer upon tribunals transacting the county business of the several counties, such powers of local legislation and administration as it shall deem expedient.

Sec. 22. For any speech or debate in either House, the members shall not be questioned elsewhere. No member of the Legislature shall be subject to arrest—except for felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

Sec 23. The Legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

Sec. 24. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law; and no appropriation shall be for a longer term than one year.

Sec. 25. All sessions of the Legislature shall be held at the State Capital, and all regular sessions shall commence annually on the second Tuesday of January.

Sec. 26. The Legislature shall provide for taking an enumeration of the inhabitants of the State at least once in ten years. The first enumeration shall be taken in A. D. 1865.

Sec. 27. The House of Representatives shall have the sole power to impeach. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the Senators elected.

Sec. 28. The Governor and all other officers under this Constitution, shall be subject to impeachment for any misdemeanor in office; but judgment in all such cases shall not be extended further than to removal from office and disqualification to hold any office of profit, honor or trust, under this Constitution, but the party, whether acquitted or convicted, shall be liable to indictment, trial, judgment and punishment, according to law.

Article III.--Judicial.

Section 1. The Judicial power of this State shall be vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts, inferior to the supreme court, as may be provided by law; and all courts of record shall have a seal to be used in the authentication of all process.

Sec. 2. The Supreme Court shall consist of one chief justice and two associate justices (a majoriiy of whom shall constitute a quorum), who shall be elected by the electors of the State at large, and whose term of office, after the first, shall be six years. At the first election, a chief justice shall be chosen for six years, one associate justice for four years, and one for two years.

Sec. 3. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the State.

Sec. 4. There shall be appointed, by the justices of the supreme court, a reporter and clerk of said court who shall hold their offices two years, and whose duties shall be prescribed by law.

Sec. 5. The State shall be divided into five judicial districts, in each of which there shall be elected, by the electors thereof; a district judge, who shall hold his office for the term of four years. District courts shall be held at such times and places as may be provided by law.

Sec. 6. The district courts shall have such jurisdiction in their respective districts as may be provided by law.

Sec. 7. There shall be elected in each organized county, a clerk of the district court, who shall hold his office two years, and whose duties shall be prescribed by law.

Sec. 8. There shall be a probate court in each county, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound minds, as may be prescribed by law. and shall have jurisdiction in cases of *habeas corpus*. This court shall consist of one judge, who shall be elected by the qualified voters of the county and hold his office two years. He shall be his own clerk, and shall hold court at such times and receive for compensation such fees as may be prescribed by law.

Sec. 9. Two justices of the peace shall be elected in each township, whose term of office shall be two years, and whose powers and duties shall be prescribed by law.—The number of justices of the peace may be increased in any township by law.

Sec. 10. All appeals from probate courts and justices of the peace shall be to the district court.

Sec. 11. All the judicial officers provided for by this article shall be elected at the first election under this constitution, and shall reside in their respective townships, counties or districts during their respective terms of office. In case of vacancy in any judicial office, it shall be filled by appointment of the governor until the next regular election that shall occur more than thirty days after such vacancy shall have happened.

Sec. 12. All judicial officers shall hold their offices until their successors shall have qualified.

Sec. 13. The justices of the supreme court and judges of the district courts, shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office: *Provided*, Such compensation shall not be less than fifteen hundred dollars to each justice or judge, each year, and such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the State, or the United States, during the term of office for which such justices and judges shall be elected, nor practice law in any of the courts in the State during their continuance in office.

Sec. 14. Provisions may be made by law for the increase of the number of judicial districts whenever two-thirds of the members of each house shall concur. Such districts shall be formed of compact territory and bounded by county lines, and such increase shall not vacate the office of any judge.

Sec. 15. Justices of the supreme court and judges of the district courts may be removed from office by resolution of both houses, if two-thirds of the members of each house concur. But no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

Sec. 16. The several justices and judges of the courts of record in this State shall have jurisdiction at chambers as may be provided by law.

Sec. 17. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name of the State.

Sec. 18. Until otherwise provided by law, the first district shall consist of the counties of Wyandott, Leavenworth, Jefferson and Jackson. The second district shall consist of the counties of Atchison, Doinphan, Brown, Nemaha, Marshall and Washington. The third district shall consist of the counties of Pottawattomie, Riley, Clay, Dickinson, Davis, Waubonsee and Shawnee. The fourth district shall consist of the counties of Douglas, Johnson, Lykins, Franklin, Anderson, Linn, Bourbon and Allen.—The fifth district shall consist of the counties of Osage, Coffey, Woodson, Greenwood, Madison, Breckinridge, Morris, Chase, Butler and Hunter.

Sec. 19. New or unorganized counties shall, by law, be attached for judicial purposes to the most convenient judicial districts.

Sec. 20. Provision shall be made by law for the selection, by the bar, of a pro tem. judge of the district court, when the judge is absent or otherwise unable or disqualified to sit in any case.

Article IV--Elections.

Section 1. All elections by the people shall be by ballot, and all elections by the Legislature shall be *viva voce*.

Sec. 2. General elections shall be held annually on the Tuesday succeeding the first Monday in November. Township elections shall be held on the first Tuesday of April, until otherwise provided by low.

Article V.--Suffrage.

Section 1. Every white male person of twenty-one years and upwards belonging to either of the following classes—who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote, at least thirty days next preceding such election—shall be deemed a qualified elector.

1st, Citizens of the United States; 2d, persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

Sec. 2. No person under guardianship, non compos mentis or insane, shall be qualified to vote; nor any person convicted of treason or felony, unless restored to civil rights.

Sec. 3. No soldier, seaman or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of being stationed within the same; nor shall any soldiers, seaman or marine have the right to vote.

Sec. 4. The Legislature shall pass such laws as may be necessary for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

Sec. 5. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge. or shall go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Sec. 6. Every person who shall have given or offered a bribe to procure his election, shall be disqualified from holding office during the term for which he may have been elected.

Sec. 7. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony, or breach of the peace.

Article VI.--Education.

Section 1. The State Superintendent of Public Instruction shall have the general supervision of the common school funds and educational interest of the State, and perform such other duties as may be prescribed by law. A Superintendent of Public Instruction shall be elected in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law.

Sec. 2. The Legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments.

Sec. 3. The proceeds of all lands that have been, or may be, granted by the United States to the State, for the support of schools, and the five hundred thousand acres of land granted to the new States, under an act of Congress distributing the proceeds of public lands among the several States of the Union, approved Sept. 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent. as may be granted by Congress, on the sale of lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the Legislature may provide, by tax or otherwise, shall be inviolably appropriated to the support of common schools.

Sec. 4. The income of the State school funds shall be disbursed annually, by order of the State Superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of five and twenty-one years: *Provided*, That no school district, in which a common school has not been maintained at least three months in each year, shall be entitled to receive any portion of such funds.

Sec. 5. The school lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election; but, subject to revaluation every five years, they may be leased for any number of years not exceeding twenty-five, at a rate established by law.

Sec. 6. All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker up; and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected, to the support of common schools.

Sec. 7. Provision shall be made by law for the establishment, at some eligible and central point, of a State University, for the promotion of literature, and the arts and sciences, including a Normal and an Agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State University, and all other grants, donations or bequests, either by the State or by individuals, for such purpose, shall remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of the State University.

Sec. 8. No religious sect or sects shall ever control any part of the common school or University funds of the State.

Sec. 9. The State Superintendent of Public Instruction, Secretary of State and Attorney General shall constitute a board of Commissioners, for the management and investment of the School Funds. Any two of said Commissioners shall be a quorum.

Article VII.--Public Institutions.

Section 1. Institutions for the benefit of the insane, blind, and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law. Trustees of such benevolent institutions as may be hereafter created, shall be appointed by the Governor, by and with the advice and consent of the Senate; and upon all nominations made by the Governor, the question shall be taken in yeas and nays, and entered upon the journal.

Sec. 2. A Penitentiary shall be established, the directors of which shall be appointed or elected, as prescribed by law.

Sec. 3. The Governor shall fill any vacancy that may occur in the offices aforesaid, until the next session of the Legislature, and until a successor to his appointee shall be confirmed and qualified.

Sec. 4. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants, who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

Article VIII.--Militia.

Section 1. The Militia shall be composed of all able-bodied white male citizens between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States, or of this State; but all citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be exempted therefrom, upon such conditions as may be prescribed by law.

Sec. 2. The Legislature shall provide for organizing, equipping and disciplining the Militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

Sec. 3 Officers of the Militia shall be elected or appointed, and commissioned in such manner as may be provided by law.

Sec. 4. The Governor shall be Commander-in-Chief, and shall have power to call out the Militia to execute the laws, to suppress insurrection, and to repel invasion.

Article IX.--County and Township Organization.

Section 1. The Legislature shall provide for organizing new counties, locating county seats, and changing county lines; but no county seat shall be changed without the consent of a majority of the electors of the county; nor any county organized, nor the lines of any county changed so as to include an area of less than four hundred and thirty-two square miles.

Sec. 2. The Legislature shall provide for such county and township officers as may be necessary.

Sec. 3. All county officers shall hold their offices for the term of two years, and until their succeesors shall be qualified; but no person shall hold the office of sheriff or county treasurer for more than two consecutive terms.

Sec. 4. Township officers, except justices of the peace, shall hold their offices one year from the Monday next succeeding their election, and until their successors are qualified.

Sec. 5. All county and township officers may be removed from office, in such manner and for such cause, as shall be prescribed by law.

Article X.--Apportionment.

Section 1. In the future apportionment of the State, each organized county shall have at least one Representative; and each county shall be divided into as many Districts as it has Representatives.

Sec. 2. It shall be the duty of the first Legislature to make an apportionment, based upon the census ordered by the last Legislative Assembly of the Territory; and a new Apportionment shall be made in the year 1866, and every five years thereafter, based upon the census of the preceding year.

Sec. 3. Until there shall be a new apportionment, the State shall be divided into Election districts; and the Representatives and Senators shall be apportioned among the several districts as follows, viz:

		Rep.	Sen.
1st Dist.	Doniphan,	4	2
2d "	Atchison and Brown,	6	2
3d "	Nemaha, Marshall and Washington,	2	1
4th "	Clay, Riley and Pottawattomie,	4	1
5th "	Dickinson, Davis and Waubonsee,	3	1
6th "	Shawnee, Jackson and Jefferson,	8	2
7th "	Leavenworth,	9	3
8th "	Douglas, Johnson and Wyandott,	13	4
9th "	Lykins, Linn and Bourbon,	9	3
10th "	Allen, Anderson and Franklin,	6	2
11th "	Woodson aud Madison,	2	1
12th "	Coffey, Osage and Breckenridge,	6	2
13th "	Morris, Chase and Butler,	2	1
14th "	Arrapahoe, Godfrey, Greenwood, Hunter, Wolson, Dorn and McGee,	1	

Article XI.--Finance and Taxation.

Section 1. The Legislature shall provide for a uniform and equal rate of assessment and taxation; but all property used exclusively for State, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, and personal property to the amount of at least two hundred dollars for each family, shall be exempted from taxation.

Sec. 2. The Legislature shall provide for taking the notes and bills discounted or purchased, moneys loaned, and other property, effects, or dues of every description, (without deduction) of all banks now existing, or hereafter to be created, and of all bankers: so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals.

Sec. 3. The Legislature shall provide, each year, for raising revenue sufficient to defray the current expenses of the State.

Sec. 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object only such tax shall be applied.

Sec. 5. For the purpose of defraying extraordinary expenses and making public improvements, the State may contract public debts; but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided. Every such debt shall be authorized by law for some purpose specified therein, and the vote of a majority of all the members elected to each House, to be taken by the yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal thereof, when it shall become due; and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished, until the interest and principal of such debt shall have been wholly paid.

Sec. 6. No debt shall be contracted by the State except as herein provided, unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors of the State at some general election; and if such proposed law shall be ratified by a majority of all the votes cast at such general election, then it shall be the duty of the Legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding sections of this article.

Sec. 7. The State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised, shall be applied exclusively to the object for which the loan was authorised, or to the repayment of the debt thereby created.

Sec. 8. The State shall never be a party in carrying on any works of internal improvement.

Article XII.--Corporations.

Section 1. The Legislature shall pass no special act conferring corporate powers. Corporations may be created under general laws, but all such laws may be amended or repealed.

Sec. 2. Dues from corporations shall be secured by individual liability of the stockholders to an additional amount equal to the stock owned by each stockholder; and such other means as shall be provided by law; but such individual liabilities shall not apply to railroad corporations, nor corporations for religious or charitable purposes.

Sec. 3. The title to all property of religious corporations, shall vest in Trustees, whose election shall be by the members of such corporations.

Sec. 4. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation.

Sec. 5. Provision shall be made by general law for the organization of cities, towns and villages; and their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, shall be so restricted as to prevent the abuse of such power.

Sec. 6. The term corporations, as used in this article, shall include all associations and joint stock companies having powers and priviliges not possesed by individuals or partnerships; and all corporations may sue and be sued in their corporate name,

Article XIII.--Banks and Currency.

Section 1. No bank shall be established otherwise than under a general banking law.

Sec. 2. All banking laws shall require, as collateral security for the redemption of the circulating notes of any bank, organized under their provisions, a deposit with the auditor of State, of the interest paying bonds of the several States or of the United States, at the cash rates of the New York stock exchange, to an amount equal to the amount of circulating notes which such bank shall be authorized to issue, and a cash deposit in its vaults of ten per cent of such amount of circulating notes; and the auditor shall register and countersign no more circulating bills of any bank, than the cash value of such bonds when deposited.

Sec. 3. Whenever the bonds pledged as collateral security for the circulation of any bank, shall depreciate in value, the auditor of State shall require additional security, or curtail the circulation of such bank, to such extent as will continue the security unimpaired.

Sec. 4. All circulating notes shall be redeemable in the money of the United States. Holders of such notes shall be entitled, in case of the insolvency of such banks, to preference of payment over all other creditors.

Sec. 5. The State shall not be a stockholder in any banking institution.

Sec. 6. All banks shall be required to keep offices and officers for the issue and redemption of their circulation, at a convenient place within the State, to be named on the circulating notes issued by such bank.

Sec. 7. No banking institution shall issue circulating notes of a less denomination than five dollars.

Sec. 8. No bankiug law shall be in force until the same shall have been submitted to a vote of the electors of the State at some general election, and approved by a majority of all the votes cast at such election.

Sec. 9. Any banking law may be amended or repealed.

Article XIV.—Amendments.

Section 1. Propositions for the amendment of this Constitution may be made by either branch of the Legislature; and if two-thirds of all the members elected to each House shall concur therein, such proposed amendments, together with the yeas and nays, shall be entered upon the journal; and the Secretary of State shall cause the same to be published in at least one newspaper in each county of the State where a newspaper is published, for three months preceding the next election for Representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting on said amendments, at said election, shall adopt the amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately; and not more than three propositions to amend shal be submitted at the same election.

Sec. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall think it necessary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote at the next election of members to the Legislature, for or against a Convention; and if a majority of all the electors voting at such election shall have voted for a Convention, the Legislature shall, at the next session, provide for calling the same.

Article XV.—Miscellaneous.

Section 1. All officers whose election or appointment is not otherwise provided for, shall be chosen or appointed as may be prescribed by law.

Sec. 2. The tenure of any office not herein provided for may be declared by law; when not so declared such office shall be held during the pleasure of the authority making the appointment, but the legislature shall not create any office the tenure of which shall be longer than four years.

Sec. 3. Lotteries and the Sale of lottery tickets are forever prohibited.

Sec. 4. All public printing shall be let, on contract, to the lowest responsible bidder, by such executive officers, and in such manner, as shall be prescribed by law.

Sec. 5. An accurate and detailed statement of the receipts and expenditures of the public moneys, and the several amounts paid, to whom, and on what account, shall be published, as prescribed by law.

Sec. 6. The Legislature shall provide for the protection of the rights of women, in acquiring and possessing property, real, personal and mixed, separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.

Sec. 7. The Legislature may reduce the salaries of officers, who shall neglect the performance of any legal duty.

Sec. 8. The temporary seat of government is hereby located at the city of Topeka, county of Shawnee. The first Legislature under this Constitution shall provide by law for submitting the question of the permanent location of the Capital to a popular vote, and a majority of all the votes cast at some general election shall be necessary for such location.

Sec. 9. A Homestead to the extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists: but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon. *Provided*, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife.

Schedule.

Section 1. That no inconvenience may arise from the change from a Territoriol Government to a permanent State Government, it is declared by this Constitution that all suits, rights, actions, prosecutions, recognizances, contracts, judgments and claims, both as respects individuals and bodies corporate, shall continue as if no change had taken place.

Sec. 2. All fines, penalties and forfeitures, owing to the Territory of Kansas, or any county, shall inure to the use of the State or county. All bonds executed to the Territory, or any officer thereof, in his official capacity, shall pass over to the Governor, or other officers of the State or county, and their successors in office, for the use of the State or county, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

Sec. 3. The Governor, Secretary and Judges, and all other officers, both civil and military, under the Territorial government, shall continue in the exercise of the du ies of their respective departments until the said officers are superceded under the authority of this Constitution.

Sec. 4. All laws and parts of laws in force in the Territory, at the time of the acceptance of this Constitution by Congress, not inconsistent with this Constitution, shall continue and remain in full force until they expire, or shall be repealed.

Sec. 5. The Governor shall use his private seal until a State seal is provided.

Sec. 6. The Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, and Superintendent of Public Instructions, shall keep their respective offices at the seat of government.

Sec. 7. All records, documents. books, papers, moneys and vouchers belonging and pertaining to the several Territorial Courts, and offices and to the several districts and county offices, at the date of the admission of this State into the Union, shall be disposed of in such manner as may be prescribed by law.

Sec. 8. All suits, pleas, plaints and other proceedings pending in any court, of record or justices court may be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, injunctions, or other proceedings whatever, may progress and be carried on as if this Constitution had not been adopted, and the Legislature shall direct the mode in which such suits, pleas, plaints, prosecutiosns and other proceedings, and all papers, records, books and documents connected therewith, may be removed to the courts established by this Constitution.

Sec. 9. For the purpose of taking the vote of the electors of this Territory for the ratification or rejection of this Cons itution, an election shall be held in the several voting precincts in this Territory, on the first Tuesday in October, A. D. 1859.

Sec. 10. Each elector shall express his assent or dissent by voting a written or printed ballot labelled "For the Constitution," or "Against the Constitution."

Sec. 11. If a majority of all the votes cast at such election shall be in favor of the Constitution, then there shall be an election held in the several voting precincts on the first Tuesday in December, A. D. 1859, for the election of members of the first Legislature, of all State, District and County officers provided for in this Constitution, and for a Representative in Congress.

Sec. 12. All persons having the qualifications of electors, according to the provisions of this Constitution, at the date of each of said elections, and who shall have been duly registered according to the provisfons of the registry law of this Territory, and none others, shall be entitled to vote at each of said elections.

Sec. 13. The persons who may be Judges of the several voting precincts of this Territory at the date of the respective elections in this schedule provided for, shall be the Judges of the respective elections herein provided for.

Sec. 14. The said Judges of election, before entering upon the duties of their office, shall take and subscribe an oath faithfully to discharge their duties as such. They shall appoint two Clerks of election, who shall be sworn by one of said Judges faithfully to discharge their duties as such. In the event of a vacancy in the Board of Judges, the same shall be filled by the electors present.

Sec. 15. At each of the elections provided for in this schedule, the polls shall be opened between the hours of nine and ten o'clock, A. M., and closed at sunset.

Sec. 16. The tribunals transacting county business of the several counties, shall cause to be furnished to the Boards of Judges in their respective counties two poll books for each election hereinbefore provided for, upon which the clerks shall inscribe the name of every person who may vote at the said elections.

Sec. 17. After closing the polls at each of the elections provided for in this schedule, the Judges shall proceed to count the votes cast, and designate the persons or objects for which they were cast, and shall make two correct tally lists of the same.

Sec. 18. Each of the Boards of Judges shall safely keep one poll book and tally list, and the ballots cast at each election, and shall, within ten days after such election, cause the other poll book and tally list to be transmitted, by the hands of a sworn officer, to the clerk of the Board transacting County business in their respective Counties, or to which the County may be attached for municipal purposes.

Sec. 19. The tribunals transacting County business shall assemble at the County seats of their respective counties, on the second Tuesday after each of the elections provided for in this schedule, and shall canvass the votes cast at the elections held in the several precincts in their respective counties, and of the Counties attached for municipal purposes. They shall hold in safe keeping the poll books and tally lists of said elections, and shall, within ten days thereafter, transmit, by the hands of a sworn officer, to the President of this Convention, at the City of Topeka, a certified transcript of the same, showing the number of votes cast for each person or object voted for at each of the several precincts in their respective counties, and in the counties attached for municipal purposes, separately.

Sec. 20. The Governor of the Territory, and the President and Secretary of this Convention shall constitute a Board of State canvassers, any two of whom shall be a quorum, and who shall, on the fourth Monday after each of the elections provided for in this schedule, assemble at said City of Topeka, and proceed to open and canvas the votes cast at the several precincts in the different counties of the Territory and declare the result, and shall immediately issue certificates of election to all persons (if any) thus elected.

Sec. 21. Said Board of State Canvassers shall issue their proclamation not less than twenty days next preceding each of the elections provided for in this schedule. Said proclamations shall contain an announcement of the several elections, the qualifications of electors, the manner of conducting said elections and of making the returns thereof, as in this Constitution provided, and shall publish said proclamation in one newspaper in each of the counties of the Territory in which a newspaper may be then published.

Sec. 22. The Board of State Canvassers shall provide for the transmission of authenticated copies of the Constitution to the President of the United States, the President of the Senate and Speaker of the House of Representatives.

Sec. 23. Upon official information having been by him received of the admission of Kansas into the Union as a State, it shall be the duty of the Governor elect under the Constitution, to proclaim the same and to convene the Legislature and do all things else necessary to the complete and active organization of the State Government.

Sec. 24. The first Legislature shall have no power to make any changes in county lines.

Sec. 25. At the election to be held for the ratification or rejection of this Constitution, each elector shall be permitted to vote on the Homestead provision contained in the Article on "Miscellaneous," by depositing a ballot inscribed "For the Homestead," or "Against the Homestead;" and if a majority of all the votes cast at said election shall be against said provision, then it shall be stricken from the Constitution.

Resolutions.

Resolved, That the Congress of the United States is hereby requested, upon the application of Kansas for admission into the Union, to pass an act granting to the State forty-five hundred thousand acres of land to aid in the construction of railroads and other internal improvements.

Resolved, That Congress be further requested to pass an act appropriating fifty thousand acres of land for the improvement of the Kansas River from its mouth to Fort Riley.

Resolved, That Congress be further requested to pass an act granting all swamp lands within the State for the benefit of common schools.

Resolved, That Congress be further requested to pass an act appropriating five hundred thousand dollars, or in lieu thereof five hundred thousand acres of land, for the payment of the claims awarded to citizens of Kansas by the Claim Commissioners appointed by the Governor aud Legislature of Kansas under an act of the Territorial Legislature passed 7th February, 1859.

Resolved, That the Legislature shall make provision for the sale or disposal of the lands granted to the State in aid of internal improvemen ts and for other purposes, subject to the same rights of pre-emption to the settlers thereon as are now allowed by law to settlers on the public lands.

Resolved' That it is the desire of the people of Kansas to be admitted into the Union with this Constitution.

Resolved, That Congress be further requested to assume the debt of this Territory.

Done in Convention at Wyandott, this 29th day of July A. D. 1859.

JAMES M. WINCHELL,
President of the Kansas Constitutional Convention and Delegate from Osage County.

John A. Martin, Secretary.

Robt. Graham,	Saml. A. Kingman,
John James Ingalls,	Robt. J. Porter,
Caleb May,	James Blood,
J. A. Middleton,	S. O. Thatcher,
S. D. Houston,	Edwin Stokes,
Luther R. Palmer,	P. H. Townsend,
John Taylor Burris,	Wm. Hutchinson,
John P. Greer,	N. C. Blood,
John Ritchey,	Edmund G. Ross,
H. D, Preston,	Jas. Hanway,
Benjamin F. Simpson,	Allen Crocker,
James M. Arthur,	Saml. E. Hoffman,
Josiah Lamb,	James A. Signoe,
Wm. McCulloch,	George H. Lillie,
Jas. G. Blunt,	R. L. Williams,
J. C. Burnett,	W. P. Dutton.
Wm. R. Griffith,	