CONSTITUTION OF THE STATE OF KANSAS.

ORDINANCE.

Whereas the government of the United States is the proprietor, or will become so, of all or most of the lands lying within the limits of Kansas, as determined under this constitution; and whereas the State of Kansas will possess the undoubted right to tax such lands for the support of her State government, or for other proper and legitimate purposes connected with her existence as a State: Now, therefore, be it ordained by this convention, on behalf of and by the authority of the people of Kansas, that the right aforesaid to tax such lands shall be, and is hereby, forever relinquished, if the conditions following shall be accepted and agreed to by the Congress of the United States:

SEC. 1. That sections numbered eight, sixteen, twenty-four, and thirty-six, in every township in the State, or, in case either of said numbered sections are or shall be otherwise disposed of, that other lands equal thereto in value, and as contiguous as may be, shall be granted to the State, to be applied exclusively to the support of common schools.

SEC. 2. That all salt springs, and gold, silver, copper, lead, or other valuable mines, together with the lands necessary for their full occupation and use, shall be granted to said State for the use and benefit of said State, and the same shall be used or disposed of under such terms and conditions and regulations as the legislature of said State shall direct.

SEC. 3. That five per centum of the proceeds of the sales of all public lands sold, or held in trust, or otherwise, lying within the said State, whether sold before or after the admission of the State into the Union, after deducting all expenses incidental to the same, shall be paid to the said State.

SEC. 4. That seventy-two sections, or two entire townships, shall be designated by the President of the United States, which shall be reserved for the use of a seminary of learning, and appropriated by the legislature of said State solely to the use of said seminary.

SEC. 5. That each alternate section of land now owned, or which may hereafter be acquired, by the United States, for twelve miles on each side of a line of railroad to be established or located from some point on the northern boundary of the State, leading southerly through said State in the direction of the Gulf of Mexico, and on each side of a line of railroad to be located and established from some point on the Missouri river westwardly through said State in the direction of the Pacific ocean, shall be reserved and conveyed to said State of Kansas for the purpose of aiding in the construction of said railroad; and it shall be the duty of the Congress of the United States, in conjunction with the proper authorities of this State, to adopt immediate measures for carrying the several provisions herein contained into full effect.

PREAMBLE.

We, the people of the Territory of Kansas, by our representatives in convention, assembled at Lecompton, in said Territory, on Monday, the 4th day of September, 1857, and of the independence of the United States the eighty-second year, having the right of admission into the Union as one of the United States of America, consistent with the federal constitution, and by virtue of the treaty of cession by France to the United States of the province of Louisiana, made and entered into on the thirtieth day of April, 1803; and by virtue of, and in accordance with, the act of Congress passed March 30th, 1854, entitled "An act to organize the Territories of Nebraska and Kansas," in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty, and prosperity, and the free pursuit of happiness, do mutually agree with each other to form ourselves into a free, independent, and sovereign State, by the name and style of the State of Kansas, and do ordain and establish the following constitution for the government thereof:

Boundaries.

ARTICLE 1. We do declare and establish, ratify and confirm, the following as the permanent boundaries of the said State of Kansas—that is to say: 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 west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky mountains; thence northward on said summit to the fortieth parallel of 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.

County Boundaries.

ART. 2. No county, now established, which borders upon the Missouri river, or upon either bank of the Kansas river, shall ever be reduced by the formation of new counties to less than twenty miles square; nor shall any other county now organized, or hereafter to be organized, be reduced to less than five hundred square miles.

Distribution of Power.

The powers of the government of the State of Kansas shall be divided into three separate departments—the legislative, the executive, and the judicial; and no person charged with the exercise of powers properly belonging to one of their departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

EXECUTIVE DEPARTMENT.

SECTION 1. The chief executive power of this State shall be vested in a governor, who shall hold his office for two years from the time of his installation.

SEC. 2. The governor shall be elected by the qualified electors of the State. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the secretary of State, who shall deliver them to the speaker of the house of representatives at the next ensuing session of the legislature, during the first week of which session the speaker shall open and publish them in the presence of both houses of the legislature. The person having the highest number of votes shall be governor, but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by the joint ballot of both houses of the legislature. Contested elections for governor shall be determined by both houses of the legislature in such manner as may be prescribed by law.

SEC. 3. The governor shall be at least thirty years of age, shall have been a citizen of the United States for twenty years, shall have resided in this State at least five years next preceding the day of his election, or from the time of the formation of this constitution; and shall not be capable of holding the office more than four years in any term of six years.

SEC. 4. He shall at stated times receive for his services a compensation which shall be fixed by law, and shall not be increased or diminished during the term for which he shall be elected.

SEC. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

SEC. 6. He may require information in writing from officers in the executive department, on any subject relating to the duties of these respective offices.

SEC. 7. He may, in case of emergency, convene the legislature at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy or disease; and, in case of disagreement between the two houses with respect to the time of adjournment, adjourn to such time as he may think proper, not beyond the next stated meeting of the legislature.

SEC. 8. He shall from time to time give to the legislature information of the state of the government, and recommend to their consideration such measures as he may deem necessary and expedient.

SEC. 9. He shall take care that the laws be faithfully executed.

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines; and in cases of forfeitures, to stay the collection until the end of the next session of the legislature, and to remit forfeitures, by and with the advice and consent of the senate. In cases of treason, he shall have power to grant reprieves, by and with the advice and consent of the Senate, but may respite the sentence until the end of the next session of the legislature.

SEC. 11. All commissions shall be in the name and by the authority of the State of Kansas; be sealed with the great seal, and signed by the governor, and be attested by the secretary of State.

SEC. 12. There shall be a seal of this State, which shall be kept by the governor, and used by him officially; and the present seal of this Territory shall be the seal of the State until otherwise directed by the legislature.

SEC. 13. All vacancies not provided for in this constitution shall be filled in such manner as the legislature may prescribe.

SEC. 14. The secretary of State shall be elected by the qualified electors of the State, and shall continue in office during the term of two years, and until his successor is qualified. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the legislature, and shall perform such other duties as may be required by law.

SEC. 15. Every bill which shall have passed both houses of the legislature shall be presented to the governor; if he approves he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, which shall enter the objections at length upon their journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of the house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of that house, it shall become a law. But in such case the votes of each house shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not become a law.

SEC. 16. Every order, resolution, or vote to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both houses, and on questions of adjournment, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in case of a bill.

SEC. 17. A lieutenant-governor shall be elected at the same time, and for the same term, as the governor; and his qualifications and the manner of his election shall be the same in all respects.

SEC. 18. In case of the removal of the governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the lieutenant-governor; and the legislature shall provide by law for the discharge of the executive functions in other necessary cases.

SEC. 19. The lieutenant-governor shall be president of the senate, but shall have no vote except in the case of a tie, when he may give the casting vote, and, while acting as such, shall receive a compensation equal to that allowed to the speaker of the house of representatives.

SEC. 20. A sheriff, and one or more coroners, a treasurer, and surveyor shall be elected in each county by the qualified electors thereof, who shall hold their office for two years, unless sooner removed, except that the coroner shall hold his office until his successor be duly qualified.

SEC. 21. A State treasurer and auditor of public accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of two years, unless sooner removed.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority of this State shall be vested in a legislature, which shall consist of a senate and house of representatives.

SEC. 2. No person holding office under the authority of the United States, except postmasters, or any lucrative office under the authority of this State, shall be eligible to or have a seat in the legislature; but this provision shall not extend to township officers, justices of the peace, notaries public, or militia officers.

SEC. 3. No person who has been, or may hereafter be, convicted of a penitentiary offence, or of an embezzlement of the public funds, shall hold any office in this State, nor shall any person holding public money for disbursement, or otherwise, have a seat in the legislature until he shall have accounted for and paid such money into the treasury.

SEC. 4. The members of the house of representatives shall be elected by the qualified electors, and shall serve for the term of two years from the close of the general election and no longer.

SEC. 5. The senators shall be chosen for the term of four years, at the same time, in the same manner, and at the same places as are herein provided for members of the house of representatives.

SEC. 6. At the first session of the legislature the senators shall, by lot, divide their senators into two classes, and the seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class at the expiration of the fourth year, so that one half, as near as may be, may be chosen thereafter every two years for the term of four years.

SEC. 7. The number of senators shall not be less than thirteen nor more than thirty-three, and at any time when the number of senators is increased they shall be annexed by lot to one of the two classes, so as to keep them as nearly equal in members as possible.

SEC. 8. The number of members of the house of representatives shall not be less than thirty-nine nor more than one hundred.

SEC. 9. The style of the laws of this State shall be: "Be it enacted by the legislature of the State of Kansas."

SEC. 10. Each house may determine the rules of its own proceedings, punish its members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offence; the names of the members voting on the question shall be spread upon the journal.

SEC. 11. Each house during the session may, in its discretion, punish by fine, imprisonment, or both, any person not a member for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, provided such fine shall not exceed two hundred dollars, or such imprisonment shall not extend beyond the end of the session.

SEC. 12. Each house of the legislature shall keep a journal of its proceedings, and cause the same to be published as soon after the adjournment as may be provided by law.

SEC. 13. Neither house during the session of the legislature shall, without the consent of the other, adjourn for more than three days, (Sundays excepted,) nor to any other place than that in which they may be sitting.

SEC. 14. The senate, when assembled, shall choose its officers; and the house of representatives shall choose a speaker and its other officers, and each branch of the legislature shall be the judge of the qualifications, elections, and returns of its members.

SEC. 15. A majority of each house of the legislature shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner as each house may prescribe.

SEC. 16. Each member of the legislature shall receive from the public treasury such compensation for his services as may be fixed by law; but no increase of compensation shall take effect during the term for which the members were elected when such law passed.

SEC. 17. Bills may originate in either house, but may be altered, amended, or rejected by the other, and all bills shall be read by sections on three several days, except on an extraordinary occasion; two-thirds of the members may dispense with such reading, but in no case shall a bill be passed without having once been read, and any bill having passed both houses shall be signed by the speaker and president, in the presence of their respective houses.

SEC. 18. The legislature shall provide by law for filling all vacancies that may occur in either house, by the death, resignation, or otherwise, of any of its members.

SEC. 19. The doors of each house shall be open except on such occasions as in the opinion of the house the public safety may require secrecy.

SEC. 20. Every law enacted by the legislature shall embrace but one subject, and that shall be expressed in its title; and any extraneous matter introduced in a bill that shall pass shall be void; and no law shall be amended by its title, but in such case the act or section amended shall be re-enacted and published at length.

SEC. 21. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 22. The legislature shall meet every two years at the seat of government.

SEC. 23. The legislature shall provide for an enumeration of inhabitants, by law. An apportionment of representatives in the legislature shall be provided by law according to population, as nearly equal as may be.

SEC. 24. The legislature shall have no power to grant divorces, to change the names of individuals, or direct the sales of estates belong to infants or other persons laboring under legal disabilities by special legislation, but by general laws shall confer such power on the courts of justice.

SEC. 25. It shall be the duty of all civil officers of the State to use due diligence in the securing and rendition of persons held to service or labor in this State, either of the States or Territories of the United States; and the legislature shall enact such laws as may be necessary for the honest and faithful carrying out of this provision of the constitution.

At the first election holden under the constitution for members of the State legislature the representative and senatorial districts shall be as follows:

1st representative district shall consist of Doniphan county, and shall be entitled to ..... 4 rep's.
2d. Atchison 4
3d. Leavenworth 8
4th. Brown and Nemaha 1
5th. Calhoun and Potawattomie 1
6th. Jefferson 2
7th. Marshall and Washington 1
8th. Riley 1
9th. Johnson 4
10th. Lykens 1
11th. Linn 2
12th. Bourbon 2
13th. McGee, Dorn, and Allen 1
14th. Douglas 5
15th. Anderson and Franklin 1
16th. Shawnee 2
17th. Weller and Coffey 1
18th. Woodson, Wilson, Greenwood, Godfrey, and Madison 1
19th. Breckenridge and Richardson 1
20th. Davis, Wise, Butler, Hunter, and country west 1

Total number of representatives 44

1st senatorial district is Doniphan ..... 1 sen'r.
2d. Atchison 1
3d. Doniphan and Atchison 1
4th. Leavenworth 3
5th. Brown, Nemaha, and Potawattomie 1
6th. Riley, Marshall, Dickinson, and Washington 1
7th. Jefferson and Calhoun 1
8th. Johnson 2
9th. Lykens, Anderson, and Franklin 1
10th. Linn 1
11th. Bourbon and McGee 1
12th. Douglas 2
13th. Shawnee 1
14th. Dorn, Allen, Wilson, Woodson, Godfrey, Greenwood, Madison, and Coffey 1
15th. Richardson, Davis, Wise, Breckenridge, Butler, Hunter, and all west of Davis, Wise, Butler, and Hunter 1

Total 19

JUDICIARY.

SECTION 1. The judicial powers of this State shall be vested in one supreme court, circuit courts, chancery courts, courts of probate, and justices of the peace, and such other inferior courts as the legislature may from time to time ordain and establish.

SEC. 2. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations not repugnant to this constitution as may from time to time be prescribed by law: *Provided*, That the supreme court shall have power to issue writs of injuction, *mandamus quo warranto*, *habeas corpus*, and such other remedial and original writs as may be necessary to give it general superintendence and control of inferior jurisdictions.

SEC. 3. There shall be held annually at the seat of government two sessions of the supreme court at such times as the legislature may direct.

SEC. 4. The supreme court shall consist of one chief justice and two associate justices.

SEC. 5. The supreme court may elect a clerk and reporter, who shall respectively receive such compensation as the legislature may prescribe.

SEC. 6. The State shall be divided into convenient circuits, and for each circuit there shall be elected a judge, who shall at the time of his election, and as long as he continues in office, reside in the circuit for which he has been elected.

SEC. 7. The circuit courts shall have original jurisdiction of all matters, civil and criminal, within this State, not otherwise excepted in this constitution; but in civil cases only where the matters in controversy shall exceed the sum of one hundred dollars.

SEC. 8. A circuit court shall be held in each county or district in the State twice in every year, at such times and places as may be prescribed by law, and the judges of the several circuit courts may hold courts for each other when they may deem it advisable, and shall do so when directed by law.

SEC. 9. The legislature may establish a court or courts of chancery, with original and appellate equity jurisdiction, and until the establishment of such court or courts the said jurisdiction shall be vested in the judges of the circuit courts respectively; but the judges of the several circuit courts shall have power to issue writs of injunction returnable to the courts of chancery.

SEC. 10. The legislature shall establish within each county in the State a court of probate for the granting of letters testamentary of administration and orphan's business, and the general superintendence of the estates of deceased persons, and such other duties as may be prescribed by law; but in no case shall it have jurisdiction in matters of civil or criminal law.

SEC. 11. A competent number of justices of the peace, in and for each county, shall be elected, in such mode and for such term of office as the legislature may direct; their jurisdiction in civil matters shall be limited to cases in which the amount does not exceed one hundred dollars, and in all cases tried by a justice of the peace the right of appeal shall be secured under such rules and regulations as may be prescribed by law.

SEC. 12. The chief justice and associate justices of the supreme court and judges of the circuit court and courts of chancery shall, at stated times, receive for their services a compensation which shall be fixed by law, and shall not be diminished during their continuance in office; but they shall receive no fees, no perquisites of office, nor hold any other office of profit or trust under this State, the United States, either of the other States, or any other power, during their continuance in office.

SEC. 13. The chief justice and associate justices of the supreme court shall be elected by the qualified voters of the whole State; the judges of the circuit courts by the qualified voters of their respective circuits; and the judges of the chancery courts shall be elected by the qualified voters of their respective chancery divisions, at such times and places as may be prescribed by law; but said elections shall not be on the same day that the election of members of the legislature is held.

SEC. 14. All vacancies in the office of chief justice and associate justices of the supreme court, and judges of the circuit court, court of chancery, and probate court, shall be filled by appointment, made by the governor for the time being, but the governor shall immediately, upon the receipt of information of a vacancy aforesaid, order an election to fill such vacancy, first giving sixty days' notice of such election.

SEC. 15. The chief justice and the associate justices of the supreme court shall hold their offices for and during the period of six years from the date of their election, and until their successors shall be qualified and provision shall be made by law for classifying those elected, so that the chief justice or one of the said associate justices of the supreme court shall be elected every two years; the judges of the circuit, chancery, and probate courts shall hold their offices for and during the term of four years from the date of their election, and until their successors shall be qualified.

SEC. 16. Clerks of the circuit courts and courts of probate shall be elected by the qualified electors in each county, and all vacancies in such office shall be filled in such manner as the law may direct.

SEC. 17. The chief justice and associate justices of the supreme court, by virtue of their offices, shall be conservators of the peace throughout the State; the judges of the circuit court throughout their respective circuits, and the judges of the inferior courts throughout their respective counties.

SEC. 18. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name and by the "authority of the State of Kansas," and shall conclude, "Against the peace and dignity of the same."

SEC. 19. There shall be an attorney general for the State, who shall be elected by the qualified voters thereof, and as many district attorneys as the legislature may deem necessary, to be elected by the qualified voters of their respective circuits, who shall hold their offices for the term of four years from the date of their election, and shall receive for their services such compensation as may be established by law, which shall not be diminished during their continuance in office.

SEC. 20. Vacancies occurring in the office of attorney general, district attorneys, clerk of the circuit court, clerk of the court of probate, justices of the peace, and constables, shall be filled in such manner as shall be provided for by law.

SEC. 21. The house of representatives shall have the sole power of impeachment.

SEC. 22. All impeachment shall be tried by the senate; when sitting for that purpose the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 23. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and of disqualification to hold any office of honor, trust, or profit under the State; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment according to law.

SLAVERY.

SEC. 1. The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever.

SEC. 2. The legislature shall have no power to pass laws for the emancipation of slaves without the consent of the owners, or without paying the owners previous to their emancipation a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to the State from bringing with them such persons as are deemed slaves by the laws of any one of the United States or Territories, so long as any person of the same age or description shall be continued in slavery by the laws of this State: *Provided*, That such person or slave be the *bona fide* property of such emigrants; *And provided also*, That laws may be passed to prohibit the introduction into this State of slaves who have committed high crimes in other States or Territories. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have power to oblige the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them, extending to life or limb; and, in case of their neglect or refusal to comply with the direction of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

SEC. 3. In the prosecution of slaves for crimes of higher grade than petit larceny, the legislature shall have no power to deprive them of an impartial trial by a petit jury.

SEC. 4. Any person who shall maliciously dismember or deprive a slave of life shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection of such slave.

ELECTIONS AND RIGHTS OF SUFFRAGE.

SEC. 1. Every male citizen of the United States above the age of twenty-one years, having resided in this State one year, and the county, city, or town in which he may offer to vote three months next preceding any election, shall have the qualifications of an elector, and be entitled to vote at all elections; and every male citizen of the United States above the age aforesaid, who may be a resident of the State at the time that this constitution shall be adopted, shall have the right of voting as aforesaid, but no such citizen or inhabitant shall be entitled to vote except in the county in which he shall actually reside at the time of the election.

SEC. 2. All voting by the people shall be by ballot.

SEC. 3. Electors during their attendance at elections, going to and returning therefrom, shall be privileged from arrest in all cases, except treason, felony, and breach of the peace.

SEC. 4. No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

SEC. 5. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of his own, or of the United States, or of this State.

SEC. 6. No person employed in the military, naval, or marine service of the United States, stationed in this State, shall, by reason of his services therein, be deemed a resident of this State.

SEC. 7. No person shall be elected or appointed to any office in this State, civil or military, who shall not be possessed of the qualifications hereinbefore prescribed for an elector.

SEC. 8. The legislature shall have power to exclude from the privilege of voting, or being eligible to office, any person convicted of bribery, perjury, or other infamous crimes.

SEC. 9. The first general election in this State shall be held on the day and year provided by this constitution; and all general elections thereafter on the day and year as provided by subsequent legislative enactment.

FINANCE.

SEC. 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the legislature shall from time to time prescribe.

SEC. 2. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the government for each year; and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

SEC. 3. For the purpose of defraying extraordinary expenditures the State may contract public debts, but such debts shall never in the aggregate exceed five hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein, and a vote of a majority of all members elected to both houses shall be necessary to the passage of such law, and every such law shall provide for an annual tax to be levied sufficient to pay the interest of such debt created; and such appropriation shall not be repealed nor the taxes postponed until the principal and interest of such debt shall have been wholly paid.

SEC. 4. The legislature may also borrow money for the purpose of repelling invasion, suppressing insurrection, and defending the State in time of war; but the money thus raised shall be applied exclusively to the purposes for which it was raised.

SEC. 5. No scrip, certificate, or other evidence of State debt, shall be issued except for such debts as are authorized by the third or fourth sections of this article.

SEC. 6. The property of the State and counties, both real and personal, and such other property as the legislature may deem necessary for school, religious, or charitable purposes, may be exempted from taxation.

SEC. 7. No money shall at any time be paid out of the treasury except in pursuance of an appropriation by law.

SEC. 8. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the legislature.

REVENUE.

SECTION 1. All bills for raising revenues shall originate in the house of representatives.

SEC. 2. Taxation shall be equal and uniform, and all property on which taxes may be levied shall be taxed in proportion to its value, to be ascertained as directed by legislative enactment, and no one species of property shall be taxed higher than another species of property of equal value on which taxes shall be levied.

SEC. 3. The legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade, or profession.

SEC. 4. The legislature shall provide for the classification of the lands of this State into three distinct classes, to be styled respectively class one, two, and three, and each of these classes shall have a fixed value in so much money, upon which there shall be assessed an *ad valorem* tax.

SEC. 5. The legislature shall provide for a capitation or third tax, to be paid by every able-bodied male citizen over twenty-one years and under sixty years of age, but nothing herein contained shall prevent the exemption of taxable polls in cases of bodily infirmity.

SEC. 6. The legislature shall levy a tax on all railroad incomes proceeding from gifts of public land, at the rate of ten cents on the one hundred dollars.

SEC. 7. No lotteries shall be authorized by law as a source of revenue.

SEC. 8. Whatever donations of lands or money that may be received from the general government by this State shall be regarded as a source of revenue, subject to a compact made with the United States by special ordinance.

PUBLIC DOMAIN AND INTERNAL IMPROVEMENTS.

SECTION 1. It shall be the duty of the legislature to provide for the prevention of waste and damage of the public lands now possessed, or that may hereafter be ceded to the Territory or State of Kansas, and it may pass laws for the sale of any part or portion thereof, and, in such case, provide for the safety, security, and appropriation of the proceeds.

SEC. 2. A liberal system of internal improvements, being essential to the development of the resources of the country, shall be encouraged by the government of this State; and it shall be the duty of the legislature, as soon as practicable, to ascertain by law proper objects of improvement in relation to roads, canals, and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements.

CORPORATIONS.

SEC. 1. Corporations may be formed under a general law, but the legislature may by special act create bodies politic for municipal purposes, where the objects of the corporations cannot be attained under it; all general laws or special acts enacted under the provisions of this section may be altered, amended, or repealed by the legislature at any time.

SEC. 2. No corporation shall take private property for public use without first having the consent of the owner, or where the necessity thereof being first established by a verdict of a jury and the value thereof assessed and paid.

SEC. 3. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, borrowing money, contracting debts, and loaning their credit so as to prevent abuses.

SEC. 4. The legislature may incorporate banks of deposite and exchange, but such banks shall not issue any bills, notes, checks, or other papers as money.

SEC. 5. The legislature may incorporate one bank of discount and issue, with not more than two branches, provided that the act incorporating the said bank and branches thereof shall not take effect until it shall be submitted to the people at the general election next succeeding the passage of the same, and shall have been approved by a majority of all electors voting at such elections.

SEC. 6. The said bank and branches shall be mutually liable for each other's debts or liabilities for all paper, credits, or bills issued representing money; and the stockholders in said bank or branches shall be individually responsible to an amount equal to the stock held by them for all debts or liabilities of said bank or branches, and no law shall be passed sanctioning, directly or indirectly, the suspension by said bank or its branches of specie payment.

SEC. 7. The State shall not be a stockholder in any bank, nor shall the credit of the State be given or loaned in aid of any person, association, or incorporation; nor shall the State become a stockholder in any corporation or association.

MILITIA.

SECTION 1. The militia of this State shall consist of all the able-bodied male citizens of this State between the ages of eighteen and forty-five years, except such citizens as now are, or hereafter may be, exempted by the laws of the United States or of this State.

SEC. 2. Any citizen whose religious tenets conflict with bearing arms shall not be compelled to do militia duty in time of peace, but shall pay such an equivalent for personal services as may be prescribed by law.

SEC. 3. All militia officers shall be elected by the persons subject to military duty within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the legislature may from time to time direct and establish.

EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, schools and the means of education shall be forever encouraged in this State.

SEC. 2. The legislature shall take measures to preserve from waste or damage such lands as have been, or hereafter may be, granted by the United States, or lands or funds which may be received from other sources, for the use of schools within this State, and shall apply the funds which may arise from such lands, or from any other source, in strict conformity to the object of the grant.

SEC. 3. The legislature shall, as soon as practicable, establish one common school (or more) in each township in the State, where the children of the township shall be taught gratis.

SEC. 4. The legislature shall have power to make appropriations from the State treasury for the support and maintenance of common schools whenever the funds accruing from the lands donated by the United States, or the funds received from other sources, are insufficient for that purpose.

SEC. 5. The legislature shall have power to pass laws for the government of all common schools within this State.

MISCELLANEOUS AFFAIRS.

SECTION 1. Lecompton shall be the seat of government until otherwise directed by law, two-thirds of each house of the legislature concurring in the passage of such law.

SEC. 2. Every person chosen or appointed to any office under this State, before entering upon the discharge of its duties, shall take an oath or affirmation to support the constitution of the United States, the constitution of this State, and all laws made in pursuance thereof, and faithfully to demean himself in the discharge of the duties of his office.

SEC. 3. The laws, public records, and the written judicial and legislative proceedings of the State shall be conducted, promulgated, and preserved in the English language.

SEC. 4. Aliens who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, inheritance, and enjoyment of property as native-born citizens.

SEC. 5. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county, voting on the question, shall have voted in favor of its removal to such point.

SEC. 6. All property, both real and personal, of the wife, owned or claimed by marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 7. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 8. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or his own confession in open court.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognised and established, we declare—

1. That all freemen, when they form a social compact, are equal in rights, and that no men or set of men are entitled to exclusive, separate public emoluments or privileges, but in consideration of public services.

2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit, and therefore they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government in such manner as they may think proper.

3. That all persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience, and no person can of right be compelled to attend, erect, or support any place of worship or maintain any ministry against his consent. That no human authority can in any case whatever interfere with the rights of conscience, and that no preference shall ever be given to any religious establishment or mode of worship.

4. That the civil rights, privileges, or capacities of a citizen shall in no wise be diminished or enlarged on account of his religion.

5. That all elections shall be free and equal.

6. That the right of trial by jury shall remain inviolate.

7. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right.

8. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures or search, and no warrant to search any place or to seize any person or thing shall issue without describing them as nearly as may be, or without probable cause, supported by oath or affirmation. In all criminal prosecutions, the accused has a right to be heard by himself or counsel, to demand the nature and cause of the accusation, and have a copy thereof, to be confronted by the witness or witnesses against him, to have compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictments or information a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed; he shall not be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or property but by due course of law.

10 That no freeman shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land.

11. No person shall for the same offence be twice put in jeopardy of life, limb, or liberty, nor shall any person's property be taken or applied to the public use, unless just compensation be made therefor.

12. That all penalties shall be reasonable, and proportioned to the nature of the offence.

13. No person shall be held to answer a capital, or otherwise infamous crime, unless on the presentment or indictment of a grand jury, or by impeachment in cases of rebellion, insurrection, or invasion.

14. That no conviction shall work corruption of blood or forfeiture of estate.

15. That all prisoners shall be bailable by sufficient securities, unless in capital offences, when the proof is evident or the presumption great, and the privileges of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

16. That excessive bail shall in no case be required, nor excessive fines imposed.

17. That no *ex post facto* law, nor any law impairing the obligations of contracts, shall ever be made.

18. That forfeitures and monopolies are contrary to the genius of a republic, and shall not be allowed, nor shall any hereditary emolument, privileges, or honors ever be granted or confirmed in the State.

19. That the citizens have a right in a peaceable manner to assemble together for their common good, to instruct their representatives, and apply to those intrusted with the power of government for redress of grievances or other proper purposes by address or remonstrance.

20. That the citizens of this State shall have a right to keep and bear arms for their common defence.

21. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in the time of war but in a manner prescribed by law.

22. The military shall be kept in strict subordination to the civil power.

23. Emigration to or from this State shall not be prohibited.

24. Free negroes shall not be prohibited to live in this State under any circumstances.

25. This enumeration shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher power herein delegated, we declare that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate, and that all laws contrary thereto or to the other provisions herein contained shall be void.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent State government, it is declared that all rights, actions, prosecutions, judgments, claims, and contracts, as well of individuals as of bodies corporate, except the bill incorporating banks, by the last territorial legislature, shall continue as if no such change had taken place, and all processes which may have issued under the authority of the Territory of Kansas shall be as valid as if issued in the name of the State of Kansas.

SEC. 2. All laws now of force in the Territory of Kansas, which are not repugnant to this constitution, shall continue and be of force until altered, amended, or repealed by a legislature assembled under the provisions of this constitution.

SEC. 3. All fines, penalties, and forfeitures accruing to the Territory of Kansas shall inure to the use of the State of Kansas.

SEC. 4. All recognizances heretofore taken shall pass to, and be prosecuted in the name of, the State of Kansas; and all bonds executed to the governor of the Territory, or to any other officer or court, in his or their official capacity, shall pass to the governor and corresponding officers of the State authority, and their successors in office, and for the use therein expressed, and may be sued for and recovered accordingly; and all the estates or property, real, personal, or mixed, and all judgments, bonds, specialities, choses in action, and claims or debts of whatsoever description, of the Territory of Kansas, shall inure to and vest in the State of Kansas, and be sued for and recovered in the same manner and to the same extent that the same could have been by the Territory of Kansas.

SEC. 5. All criminal prosecutions and penal actions which may have arisen before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment in the name of the State of Kansas; all actions at law and suits in equity which may be pending in the courts of the Territory of Kansas at the time of the change from a territorial to a State government may be continued and transferred to any court of the State which shall have jurisdiction of the subject-matter thereof.

SEC. 6. All officers, civil and military, holding their offices under the authority of the Territory of Kansas, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

SEC. 7. This constitution shall be submitted to the Congress of the United States at its next ensuing session; and as soon as official information has been received that it is approved by the same, by the admission of the State of Kansas as one of the sovereign States of the United States, the president of this convention shall issue his proclamation to convene the State legislature at the seat of government, within thirty-one days after publication. Should any vacancy occur by death, resignation, or otherwise, in the legislature or other office, he shall order an election to fill such vacancy: *Provided, however*, in case of refusal, absence, or disability of the president of this convention to discharge the duties imposed on him, the president *pro tempore* of this convention shall perform said duties; and in case of absence, refusal, or disability of the president *pro tempore*, a committee consisting of seven, or a majority of them, shall discharge the duties required of the president of this convention. Before this constitution shall be sent to Congress, asking for admission into the Union as a State, it shall be submitted to all the white male inhabitants of this Territory for approval or disapproval, as follows: The president of this convention shall, by proclamation, declare that on the 21st day of December, 1857, at the different election precincts now established by law, or which may be established