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Kansas Matters.

...stitution of the State of Kansas.

PREAMBLE:

...e, the People of the Territory of ..., by our delegates in convention ...bled at Topeka, on the 23d day of ...ber, A. D. 1855, and of the Inde...ence of the United States the eight...y-first year, having the right of admission ...the Union as one of the United ...s of America, consistent with the ...al Constitution, and by virtue of ...reaty of cession by France to the ...d States of the Province of Louis...in order to secure to ourselves and ...posterity the enjoyment of all the ...s of life, liberty, and property, and ...the pursuit of happiness, do mutu...agree with each other, to form our...s into a free and independent State, ...the name and style of the STATE OF ...SAS, bounded as follows; to wit: ...ning at a point on the western ...dary of the State of Missouri where ...thirty-seventh parallel of north lati...crosses the same; thence west on ...parallel to the eastern boundary of ...Mexico; thence north on said ...dary to latitude thirty-eight; thence ...ing said boundary westward to the ...n boundary of the Territory of ...on the summit of the Rocky Mount...; thence northward on said summit ...the fortieth parallel of latitude; ...east on said parallel to the western ...dary of the State of Missouri; ...south with the western boundary ...said State to the place of beginning; ...do ordain and establish the following ...STITUTION and BILL OF RIGHTS for ...government thereof:—

BILL OF RIGHTS.—ARTICLE I.

...c. 1. All men are by nature free ...independent, and have certain inal...le rights, among which are those of ...ing and defending life and liberty, ...ing, possessing, and protecting ...erty and seeking and obtaining hap...and safety.

...c. 2. All political power is inherent ...PEOPLE. Government is institu...their equal protection and benefit; ...ey have the right to alter, reform ...lish the same whenever they may ...it necessary; and no special priv...or immunities shall ever be grant...that may not be altered, revoked, or ...ed by the General Assembly.

...c. 3. The People have the right to ...ble together, in a peaceable manner, ...sult for their common good, to ...ct their Representatives, and to ...on the General Assembly for the ...ss of grievances.

...c. 4. The People have the right to ...arms for their defense and security; ...standing armies, in time of peace, ...dangerous to liberty, and shall not ...kept up; and the military shall be ...in strict subordination to the civil ...r.

...c. 5. The right of trial by jury ...be inviolate.

...c. 6. There shall be no slavery in ...State, nor involuntary servitude, ...ss for the punishment of crime.

...c. 7. All men have a natural and ...feasible right to worship Almighty ...according to the dictates of their ...conscience. No person shall be ...pelled to attend, erect, or support ...place of worship, or maintain any ...of worship against his consent; ...o preference shall be given by law ...any religious society; nor shall any ...ference with the rights of conscience ...mitted. No religious test shall be ...ired as a qualification for office, nor ...any person be incompetent to be a ...ss on account of his religious be...; but nothing herein shall be construe...to dispense with oaths and affirma...s. Religion, morality and knowl...e, however, being essential to good ...ernment, it shall be the duty of the ...eral Assembly to pass suitable laws ...rotect every religious denomination ...the peaceable enjoyment of its own ...le of public worship, and to encourage ...ools, and the means of instruction.

...c. 8. The privilege of the writ of ...eas corpus shall not be suspended, ...less in cases of rebellion or invasion ...public safety requires it.

...c. 9. All persons shall be bailable ...sufficient surities, unless for capital ...ces where the proof is evident, or ...presumption great. Excessive bail ...not be required, nor excessive fines ...posed, nor cruel and unusual punish...ts inflicted.

...c. 10. Except in cases of impeach...nt, and cases arising in the army and ...y, or in the militia, when in actual ...vice, in time of war or public danger, ...in cases of petit larceny and other ...nor offences, no person shall be held ...swer for a capital or otherwise in...us crime, unless on presentment, or ...ictment of a grand jury. In any trial, ...any Court, the party accused shall be ...itled to appear and defend in person, ...with counsel, to demand the nature ...cause of the accusation against him, ...to have a copy thereof; to meet the ...esses face to face, and to have com...ory process to procure the attend...e of witnesses in his behalf, and a ...dy public trial, by an impartial jury ...the county or district in which the of...e is alleged to have been committed; ...shall any person be compelled, in ...criminal case, to be a witness against ...self, or be twice put in jeopardy for ...same offense.

...c. 11. Every citizen may freely ...k, write, and publish his sentiments ...all subjects, being responsible for the ...se of the right; and no law shall be ...ed to restrain or abridge the liberty ...speech or of the press. In all crim...al prosecutions or indictments for li..., the truth may be given in evidence ...the jury, and if it shall appear to the ...that the matter charged as libelous ...true, and was published with good ...tives, and for justifiable ends, the ...y shall be acquitted.

...c. 12. No person shall be transport...out of the State for any offence com...ted within the same; and no convic...shall work corruption of blood, or ...feiture of estate.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in a manner prescribed by law.

SEC. 14. The right of the people to be secure in their persons, houses, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized

SEC. 15. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in case of fraud.

SEC. 16. All Courts shall be open; and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and justice administered without denial or delay.

SEC. 17. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by this State.

SEC. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

SEC. 19. The payment of a tax shall not be a qualification for exercising the right of suffrage.

SEC. 20. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war, or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public use, without toll or other charge therefor, a compensation shall be made to the owner in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposite of money, and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

SEC. 21. No indenture of any negro, or mulatto, made and executed out of the bounds of the State, shall be valid within the State.

SEC. 22. This enumeration of rights shall not be construed to impair or deny others retained by the People; and all powers not herein delegated shall remain with the People.

ELECTIVE FRANCHISE.—ARTICLE II.

SEC. 1. In all elections by the People, the vote shall be by ballot, and in all elections in the General Assembly, the vote shall be *viva voce*.

SEC. 2. Every white male person, and every civilized male Indian who has adopted the habits of the white man, of the age of twenty-one years and upward, who shall be at the time of offering to vote a citizen of the United States; who shall have resided, and had his habitation, domicil, home, and place of permanent abode in the State of Kansas, for six months next preceding the election at which he offers to vote; who, at such time, and for thirty days immediately preceding said time shall have had his actual habitation, domicil, home, and place of permanent abode in the county in which he offers to vote, and who shall have resided in the precinct or election district for at least ten days immediately preceding the election, shall be deemed a qualified elector at all elections under this Constitution, except in elections by general ticket in the State or district prescribed by law, in which case the elector must have the aforesaid qualifications, but a residence in said district for ten days will entitle him to vote: *Provided*, That no soldier, seaman, or marine of the regular army or navy of the United States, shall be considered a resident of the State in consequence of being stationed within the same.

SEC. 3. The General Assembly shall, at its first session, provide for the registration of all qualified electors in each county, and thereafter, from time to time, of all who may become qualified electors.

SEC. 4. The Legislature shall have power to exclude from every office of honor, trust or profit within the State, and from the right of suffrage, all persons convicted of any infamous crime.

SEC. 5. No person shall be deemed capable of holding or being elected to any post of honor, profit, trust or emolument, civil or military, or exercise the right of suffrage under the government of this State, who shall hereafter fight a duel, send or accept a challenge to fight a duel, or who shall be a second to either party, or who shall in any manner aid or assist in such duel, or who shall be knowingly the bearer of such challenge or acceptance, whether the same occur, or be committed in or out of the State.

SEC. 5. No person who may hereafter be collector or holder of public moneys shall be elligible to any office of trust or profit in the State, until he shall have accounted for and paid into the proper public treasury all sums for which he may be accountable.

SEC. 7. No State officer or member of the General Assembly of this State, shall receive a fee, be engaged as counsel, agent, or attorney in any case or claim against the State.

SEC. 8. No Senator or Representative shall, during the term of office for which he shall have been elected, be appointed to any civil office of profit in this State which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the People.

SEC. 9. All officers, civil and military, in this State, before they enter upon the duties of their respective offices, shall take the following oath, or affirmation:—"I ——— ———, do swear [or affirm,] that I will support the Constitution of the United States, and of the State of Kansas; that I am duly qualified according to the Constitution to exercise the office to which I have been elected, [or appointed,] and will, to the best of my abilities, discharge the duties thereof faithfully and impartially, according to law."

SEC. 10. Every person shall be disqualified from holding any office of honor or profit in this State, who shall have beed convicted of having given or offered any bribe to procure his election, or who shall have made use of any undue influence from power, tumult, or other improper practices.

SEC. 11. All civil officers of the State shall reside within the State, and all district and county officers within their respective districts and counties, and shall have their offices at such places therein as may be required by law.

SEC. 12. Returns of elections for members of Congress, the General Assembly, and all other officers not otherwise provided for, shall be made to the Secretary of State, in such manner as may be prescribed by law.

SEC. 13. Electors shall in all cases be privileged from arrest during their attendance on elections, and in going to and returning therefrom, except in case of felony, treason, and breach of the peace.

DISTRIBUTION OF POWERS.—ARTICLE III.

SEC. 1. The powers of the Government shall be divided into three separate departments: the Legislative, the Executive, including the Administrative and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another, except as in this Constitution expressly provided.

LEGISLATIVE.—ARTICLE IV.

SEC. 1. The Legislative power of this State shall be vested in the General Assembly, which shall consist of a Senate and House of Representatives.

SEC. 2. The Senators and Representatives shall be chosen annually by the qualified electors of the respective Counties, or District, for which they are chosen, on the first Monday of August, for one year, and their term of office shall commence on the first day of January next thereafter,

SEC. 3. There shall be elected at the first election twenty Senators and sixty Representatives, and the number afterwards shall be regulated by law.

SEC. 4. No person shall be eligible to the office of Senator, or Representative, who shall not possess the qualifications of an elector.

SEC. 5. No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or have a seat in the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, postmasters, or officers of the Militia.

SEC. 6. Each House except as otherwise provided in this Constitution, shall choose its own officers, determine its own rule of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds expel a member, but not the second time for the same cause; and shall judge of the qualification, election and return of its own members, and shall have all other powers necessary for its safety and the undisturbed transaction of business.

SEC. 7. Each House shall keep a journal of its proceedings and publish the same. The yeas and nays on any question shall, at the request of two members, be entered on the journal.

SEC. 8. Any member of either House shall have the right to protest against any act or resolution thereof; and such protest, and reason, therefor, shall, without alteration, commitment, or delay, be entered on the journal.

SEC. 9. All vacancies which may occur in either House, shall, for the unexpired term, be filled by election as shall be prescribed by law.

SEC. 10. Senators and Representatives, shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to, and returning from the same; and for words spoken in debate they shall not be questioned in any other place.

SEC. 11. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution, and all bills and joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and presented to the Governor for his approval.

SEC. 12. The doors of each House, and of Committees of the whole, shall be kept open. Neither House shall without the consent of the other adjourn for more than two days, nor to any other place than that in which the two Houses shall be sitting, except for personal safety.

SEC. 13. Every bill shall be read by sections on three several 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 rule on a call of the yeas and nays; but the reading of a bill by sections, on its final passage, shall, in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 14. Every act shall contain but one subject, which shall be clearly expressed in its title. Bills may originate in either House, but may be altered, amended or rejected by the other.

SEC. 15. In all cases when a general law can be made applicable, special laws shall not be enacted.

SEC. 16. No act shall ever be revived or amended by mere reference to its title; but the act revived, or the section amended shall be set forth and published at full length.

SEC. 17. No act shall take effect, until the same shall have been published and circulated in the counties of the State, by authority, except in case of emergency, which emergency shall be declared in the preamble, or the body of the law.

SEC. 18. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this Constitution, or the Constitution of the United States, shall be made in such manner as shall be prescribed by law; but no appointing power shall be exercised by the General Assembly, except as provided in this Constitution, and in the election of the United States Senator, and in these cases the vote shall be taken viva voce.

SEC. 19. The General Assembly shall not have power to enact laws annulling the contract of marriage in any case where by law the Courts of this State may have power to decree a divorce.

SEC. 20. The General Assembly shall not have power to pass retro-active laws, or laws impairing the obligation of contracts, but may, by general laws, authorize Courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties and officers, by curing omissions, defects, and errors in instruments, and proceedings arising out of a want of conformity with the laws of this State.

SEC. 21. The style of the laws of this State shall be, *Be it enacted by the General Assembly of the State of Kansas.*"

SEC. 22. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and when sitting for the purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators present.

SEC. 23. The Governor and all other civil officers under the laws of this State, 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 disqualification to hold any office of honor, profit or trust, under this State. The party whether convicted or acquited, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 24. Within one year after the ratification of this Constitution, and within every subsequent two years thereafter, for the term of ten years, an enumeration of all the white inhabitants of this State shall be made in such manner as shall be directed by law.

SEC. 25. All regular sessions of the General Assembly shall be held at the Capital of the State, and shall commence on the first Tuesday of January annually.

SEC. 26. All bills for raising revenue shall originate in the House of Representatives, subject, however, to amendment or rejection as in other cases.

SEC. 27. The members of the General Assembly shall recieve for their services the sum of four dollars per day for each and every day they are actually in attendance at any regular or special session, and four dollars for every twenty miles they shall travel in going to and returning from the place of meeting, by the most usually travelled route; and no session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty days, nor any special session more than forty days.

EXECUTIVE.—ARTICLE V.

SEC. 1. The Executive Department, shall consist of a Governor, a Lieutenant Governor, Secretary of State, Treasurer, Auditor, and Attorney General who shall be chosen by the electors of the State at the same time and place of voting for the members of the General Assembly.

SEC. 2. The Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General and State Printer shall hold their office for two years. Their terms of office shall commence on the first Tuesday of January next after their election and continue until their successors are elected and qualified, neither of which officers shall be elligible for re-election more than two out of three consecutive terms; nor shall any person be elligible for the office of Governor who shall not have attained the age of thirty years.

SEC. 3. The returns of every election for the officers named in the foregoing section, shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall lay the same before the General Assembly at their first meeting thereafter, when they shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected and a certificate thereof given to such person, signed by the presiding officers of both bodies, but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. The supreme executive power shall be vested in a Governor.

SEC. 5. He may require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices and shall see that the laws are faithfully executed.

SEC. 6. He shall communicate at every session by message to the General Assembly, the condition of the affairs of the State and reccommend such measures as he shall deem expedient for their action.

SEC. 7. He may on extraordinary occosions convene the General Assembly, by Proclamation, and shall state to both Houses when assembled the purposes for which they were convened.

SEC. 8. In case or disagreement between the two Houses, in respect to the time of adjournment he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 9. He shall be commander-in-chief of the Military in the State, except when they shall be called into the service of the United States.

SEC. 10. The pardoning power shall be vested in the Governor, under such regulations and restrictions as may be prescribed by law.

SEC. 11. There shall be a seal of the State the device of which shall be fixed upon by the Governor and other State officers, be kept by the Governor and used by him officially, and shall be called "*The Great Seal of the State of Kansas.*"

SEC. 12. All grants and commissions shall be used in the name and by the authority of the State of Kansas, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State.

SEC. 13. No member of either House of Congress, or other persons holding office under the authority of this State, or of the United States, shall execute the office of Governor except as herein provided.

SEC. 14. In the case of death, impeachment, resignation, removal or other disability of the Governor, the Lieutenant Governor shall exercise the duties of the office of Governor, until another Governor shall be duly qualified; but in such case another Governor shall be chosen at the next annual election for members of the General Assembly, unless such death, resignation impeachment, removal, or other disability shall occur within three calender months immediately preceding such next annual election, in which case a Governor shall be chosen at the second succeeding annual election for members of the General Assembly and in case of the death, impeachment, resignation, removal, or other disability of the Lieutenant Governor the President of the Senate *pro tem* shall exercise the office of Governor until a Governor shall be duly qualified as aforesaid.

SEC. 15. The Lieutenant Governor shall be President of the Senate, but shall vote only when the Senate is equally divided, and shall be entitled to the same pay as the speaker of the House of Representatives, and in case of his death, impeachment, resignation, removal from office, or when he shall exercise the office of Governor, the Senate shall chose a President *pro tem.*

SEC. 16. Should the office of Secretary of State, Treasurer, Auditor, or Attorney General become vacant, for any of the causes specified in the fourteenth and fifteenth sections, the Governor shall fill the vacancy or vacancies 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 such vacancy shall have occurred, and the person chosen shall hold the office for the full term fixed in the second section of this article.

SEC. 17. The officers mentioned in this article shall, at stated times, receive for their services compensation to be fixed by law, which shall neither be increased or diminished during the period for which they shall have been elected.

SEC. 18. The officers of the Executive Department, and of the public State Institutions shall, at least ten days preceding each regular session of the General Assembly severally report to the Governor who shall transmit the same to the General Assembly.

SEC. 19. Every bill which shall have passed both Houses shall be presented to the Governor. If he approve he shall sign the same, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the Journal and proceed to reconsider the same. If after such reconsideration two-thirds of that House shall agree to pass the bill it shall be sent, with the objections, to the other House by which, likewise, it shall be reconsidered, and if approved by two-thirds of that House it shall be a law. But in such case the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered upon the journals of each House respectively. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him it shall be a law, in like manner as if he had signed it, unless the General Assembly by their adjournment prevented its return, in which case it shall also be a law, unless sent back within two days after the next meeting.

SEC. 20. Contested elections for Governor, Lieutenant Governor, Judges of the Supreme Court, and all other State officers shall be determined by the General Assembly, in such manner as may be prescribed by Law.

SEC. 21. The General Assembly shall have power to provide by law for the election of a Surveyor General, State Geologist and Superintendent of Common Schools, whose duties shall be prescribed by law.

JUDICIAL.—ARTICLE VI.

SEC. 1. The Judicial power of the State shall be vested in a Supreme Court, Courts of Common Pleas, Justices of the Peace, and in such other Courts inferior to the Supreme Court as the General Assembly may establish.

SEC. 2. The Supreme Court shall consist of three Judges, a majority of whom shall form a quorum. It shall have such original and appellate jurisdiction as may be provided by law. It shall hold at least one term each year at the seat of government, and such other terms as may be provided by law. The Judges of the Supreme Court shall be elected by the electors of the State at large.

SEC. 3. The State shall be divided by the first General Assembly under this Constitution, into three Common Pleas districts of compact territory, bounded by county lines, and as nearly equal in population as practicable; and a Judge for each district shall be chosen by the electors thereof, and their term of office shall be for three years.

SEC. 4. The Courts of Common Pleas shall consist of one Judge each, who shall reside within the district for which he is chosen during his continuance in office.

SEC. 5. The jurisdiction of the Court of Common Pleas, and of the Judges thereof, shall be fixed by law.

SEC. 6. A competent number of Justices of the Peace shall be elected by the electors in each township of several counties. The term of office shall be three years, and their powers and duties shall be fixed by law.

SEC. 7. All Judges, other than those provided for in the Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than three years.

SEC. 8. The Judges of the Supreme Court shall, immediately after the first election under this Constitution, be classified by lot, so that one shall hold for the term of one year, one for the term of two years, and one for the term of three years; and all subsequent elections the term of each of said Judges shall be for three years.

SEC. 9. In case the office of any Judge shall become vacant before the expiration of the term for which he was elected, the vacancy shall be filled by appointment by the Governor, until a successor shall be elected and qualified; and such successor shall be elected for the residue of the unexpired term, at the first annual election that occurs more than thirty days after such vacancy shall have happened.

SEC. 10. The Judges of the Supreme Court and of the Court of Common Pleas shall, at stated times, receive such compensation as may be provided by law, which shall not be increased or diminished during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit and trust under the State, other than a judicial office.

SEC. 11. The General Assembly may increase or diminish the number of the Judges of the Supreme Court, the number of the districts of the Courts of Common Pleas, the number of Judges in any district, or establish other courts, whenever two-thirds of the members elected to each House shall concur therein, but no such change, addition or diminution shall vacate the office of any Judge.

SEC. 12. There shall be elected in each county, by the electors thereof, one Clerk of the Court of Common Pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified.

SEC. 13. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

SEC. 14. The Supreme Court shall, upon the decision of every case, give an opinion in writing of each question arising in the record in such case and the decision of the Court thereon.

SEC. 15. There shall be elected by the voters of the State a Clerk and a Reporter for the Supreme Court who shall hold their offices for three years, and whose duties shall be prescribed by law.

SEC. 16. Judges may be removed from office by concurrent resolution of both Houses of the General Assembly, if two-thirds of the members elected to each House concur therein; 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 thereof, and an opportunity to be heard.

SEC. 17. The several Judges of the Supreme Court, of the Court of common Pleas and of such other courts as may be created by law, shall respectively have and exercise such power and jurisdiction at Chambers or otherwise, as may be provided by law.

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

EDUCATION.—ARTICLE VII.

SEC. 1. The principal of all funds arising from the sale or other disposition of lands or other property granted or entrusted to this State, for educational and religious purposes, shall forever be preserved inviolate and undiminished, and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropaiations.

SEC. 2. The General Assembly shall make such provision, by taxation or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this State.

SEC. 3. The General Assembly may take measures for the establishment of a University with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts, science, medical and agricultural instruction.

SEC. 4. Provision may be made by law for the support of normal schools with suitable libraries, and scientific apparatus.

PUBLIC INSTITUTIONS.—ARTICLE VIII.

SEC. 1. It shall be the duty of the General Assembly, at as early a date as possible, to provide State Asylums for the benefit, treatment, and instruction of the blind, deaf and dumb, and insane.

SEC. 2. The General Assembly shall make provision for the establishment of an Asylum for idiots, to be regulated by law.

SEC. 3. The respective counties of the State shall provide in some suitable manner for those inhabitants, who by reason of age, infirmity or other misfortune, may have claims upon the sympathy and aid of society: under provisions to be made by the laws of the General Assembly.

SEC. 4. The General Assembly shall make provision for the establishment of houses of Refuge for the correction, reform and instruction of juvenile offenders.

SEC. 5. It shall be the duty of the General Assembly to make provision as soon as possible for a State General Hospital.

PUBLIC DEBT AND PUBLIC WORKS.—ARTICLE IX.

SEC. 1. No money shall be paid out of the Treasury except in pursuance of an appropriation by law.

SEC. 2. The credit of the State shall never be given or loaned in aid of any individual association or corporation.

SEC. 3. For the purpose of defraying extraordinary expenditures, the State may contract public debts, but such debts shall never in the aggregate exceed one hundred thousand dollars, unless authorized by a direct vote of the people at a general election. Every such debt shall be authorized by law, and every such law shall provide for the payment of the annual interest of such debt, and the principal within ten years from the passage of such law; and such appropriation shall not be repealed until the principal and interest shall have been wholly paid.

SEC. 4. The Legislature may also 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 authorized, or repayment of the debts thereby created.

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

MILITIA.—ARTICLE X.

SEC. 1. The militia shall consist of all able bodied white male persons between the ages of eighteen and forty years; except such as may be exempt by the laws of the United States, or of this State, and shall be organized, officered, armed, equipped, and trained, in such manner as may be provided by law.

SEC. 2. The Governor shall appoint the Adjutant, Quarter-Master and Commissary Generals.

SEC. 3. All militia officers shall be commissioned by the Governor and shall hold their offices not longer than three years.

SEC. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions, and companies, and fix the rank of all officers.

SEC. 5. The militia may be divided into classes, in such manner as shall be prescribed by law.

SEC. 6. No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for such exemption the amount to be prescribed by law.

SEC. 7. The first General Assembly shall offer inducements for the formation, uniforming, and drilling independent volunteer companies in the different cities and counties in this State.

FINANCE AND TAXATION.—ARTICLE XI.

SEC. 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and taxes shall be levied upon all such property, real and personal, as the General Assembly may, from time to time, prescribe; but all property appropriated and used exclusively for municipal, literary, educational, scientific or charitable purposes; and personal property to an amount not exceeding one hundred dollars, for each head of a family, and all property appropriated and used exclusively for religious purposes to an amount not exceeding $20,000, may, by general laws, be exempted from taxation.

SEC. 2. The General Assembly shall provide by law for an annual tax sufficient to defray the estimated ordinary expenses of the State for each year.

SEC. 3. Every law imposing a tax shall state distinctly the object of the same, to which it shall be applied.

SEC. 4. On the passage, in either House of the General Assembly, of any law which imposes, continues or renews a tax; or makes, continues or renews an appropriation of public or trust money; or releases, discharges or commutes a claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the journal; and three-fifths of all the members elected to such House shall, in all such cases, be required to constitute a quorum.

COUNTY AND TOWNSHIP OFFICERS.—ARTICLE XII.

SEC. 1. The General Assembly shall provide by law for the election of county, city, town and township officers.

SEC. 2. All officers whose election or appointment is not provided for by this Constitution shall be elected by the people or appointed as the General Assembly may by law direct.

SEC. 3. Provision shall be made by law for the removal, for misconduct or malversation in office, of all officers whose powers and duties are not local or legislative, and who shall be elected at general elections, and also for supplying vacancies created by such removal.

SEC. 4. The Legislature may declare the cases in which any office shall be deemed vacant, where no provision is made for that purpose in this Constitution.

CORPORATIONS.—ARTICLE XIII.

SEC. 1. The General Assembly shall not create corporations by special act, except for municipal purposes.

SEC. 2. Corporations may be formed under general laws, but such laws may at any time be altered or repealed.

JURISPRUDENCE.—ARTICLE XIV.

SEC. 1. The General Assembly at its first session, shall constitute three Commissioners, whose duty it shall be to revise, reform, simplify and abridge the rules of practice, pleadings, forms and proceedings of the Courts of Record of this State, and to provide, so far as practicable and expedient, that justice shall be administered by intelligent and uniform preceedings without any distinction between law and equity.

SEC. 2. The proceedings of the Commissioners shall be reported to the General Assembly and be subject to the action of that body.

MISCELLANEOUS.—ARTICLE XV.

SEC. 1. The first General Assembly shall locate the permanent seat of Government.

SEC. 2. Lotteries and the sale of lottery tickets for any purpose whatever, shall forever be prohibited in the State.

SEC. 3. No person shall be elected or appointed to any office in this State unless they possess the qualifications of an elector.

SEC. 4. There may be established in the Secretary of State's office a Bureau of Statistics and Agriculture, under such regulations as may be prescribed by law, and provision shall be made by the General Assembly for the organization and encouragement of State and County Agricultural Associations.

SEC. 5. The first General Assembly shall provide by law for securing to the wife the separate property acquired by her before or after coveiture, and the equal right with the husband to the custody of the children during their minority; and in case of death, insanity, intemperance, or gross impropriety of the husband, their exclusive custody.

AMENDMENTS TO THE CONSTITUTION.—ARTICLE XVI.

SEC. 1. All propositions for amendments to the Constitution shall be made by the General Assembly.

SEC. 2. A concurrence of two-thirds of the members elected to each House shall be necessary, after which such proposed amendments shall be entered upon the journals with the yeas and nays, and the Secretary of State shall cause the same to be published in at least one newspaper in each county in the State where a newspaper is published, for at least six months preceding the next election for Senators and Representatives, when such proposed amendments shall be again referred to the Legislature elected next succeeding said publication. If passed by the second Legislature, by a majority of two-thirds of the members elected to each House, such amendments shall be republished as aforesaid for at least six months prior to the next General election, at which election such proposed amendments shall be submitted to the people for their approval or rejection, and if the majority of the electors voting at such election shall adopt such amendments, the same shall become a part of the Constitution.

SEC. 3. When more than one amendment is submitted at the same time they shall be so submitted as to enable the electors to vote upon each amendment separately.

SEC. 4. No Convention for the formation of a new Constitution shall be called, and no amendment to the Constitution shall be by the General Assembly made, before the year 1865, nor more than once in five years thereafter.

BANKS AND CURRENCY.—ARTICLE XVII.

Sec. 1. No Banks shall be established otherwise than under a General Banking Law.

Sec. 2. If the General Assembly shall enact a General Banking Law, such law shall provide for the registry and countersigning by the Auditor of State of all paper credit designed to be circulated as money, with ample collateral security, readily convertible into specie for the redemption of the same in gold or silver shall be required; which collateral security shall be under the control of the proper officer, or officers of State. Such law shall restrict the aggregate amount of all paper credit to be circulated as money, and the aggregate amount to be put in circulation in any one year; and no note issued under the provision of this section shall be of a less denomination than ten dollars.

Sec. 3. The Stockholders in every Bank or Banking Company shall be individually liable to an amount over and above their stock equal to their respective shares of stock for all debts and liabilities of said Bank or Banking Company.

Sec. 4. All bills or notes issued as money shall be at all times redeemable in gold or silver; and no law shall be passed sanctioning, directly or indirectly, the suspension, by any Bank or Banking Company, of specie payments.

Sec. 5. Holders of Bank notes shall be entitled, in case of insolvency, to preference of specie payment over all other creditors.

Sec. 6. No Bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals loaning money.

Sec. 7. Every Bank or Banking Company shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

Sec. 8. The State shall not be a stockholder in any Bank or Banking Institution.

Sec. 9. All Banks shall be required to keep officers and proper offices for the issue and redemption of their paper at some accessible and convenient point within the State.

Sec. 10. The said Banking law shall contain a provision reserving the power to alter, amend or repeal said law.

Sec. 11. At the time of submitting this Constitution to the electors for their approval or disapproval, the articles numbered, in relation to a General Banking Law, shall be submitted as a distinct proposition in the following form:—General Banking Law; yes or no: and if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution; otherwise it shall be void and form no part thereof.

Schedule.

In order that no inconvenience may arise from the organization and establishment of a State Government, and that the wishes of the people may be fully accomplished, it is declared—

1st. That no existing rights, suits, prosecutions, claims and contracts shall be effected by a change in the form of Government.

2d. That this Constitution shall be submitted to the people of Kansas for ratification on the 15th day of December next.

3d. That each qualified elector shall express his assent or dissent to the Con-