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This is an image of the Nebraska State Constitution as approved June 12, 1875 by the Convention. The date is given on page 96.

The popular vote on adoption was held October 12, 1875.

The document was located by Deborah B. Arenz, Senior Museum Curator, Nebraska State Historical Society. This copy was furnished by Mary T. Stultz, Law Librarian, Baird Holm Attys., Omaha, Neb.

Preamble

We, the people, grateful to Almighty God for our freedom, do ordain, and establish the following, declaration, of rights and frame of government, as the constitution, of the State of Nebraska,

Article 1.

Bill of Rights

Section 1. All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

Section II. There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.

Section III. No person shall be deprived of life,

liberty, or property, without due process of law.

Section IV. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

Section V. Every person may freely speak, write and publish on all subjects, being res-

-possible for the abuse of that liberty; and in all
suits for libel, both civil and criminal, the truth
when published with good motives, and for justifiable
ends, shall be a sufficient defense.

Section VI. The right of trial by jury shall
remain inviolate, but the legislature may authorize
trial by a jury of a less number than twelve men
in courts inferior to the district court.

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

Section VIII. The privilege of the writ of habeas
corpus shall not be suspended, unless, in case of
rebellion or invasion, the public safety requires it,
and then only in such manner as shall be
prescribed by law.

Section IX. All persons shall be liable by

sufficient penalties, except for treason and murder where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section X. No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; Provided, that the legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law, abolish, limit, change, amend or otherwise regulate the grand jury system.

Section XI. In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of

accusations, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Section XII. No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.

Section XIII. All courts shall be open, and every person for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due course of law, and justice administered without denial or delay.

Section XIV. Treason against the state shall consist only in levying war against the state, 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 on confession in open court.

Section XV. All penalties shall be proportioned to the nature of the offense, and no conviction shall

work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the state.

Section XVI. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

Section XVII. The military shall be in strict subordination to the civil power.

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

Section XIX. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

Section XX. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

Section XXI. The property of no person shall be

taken or damaged for public use without just compensation therefor;—

Section XXII. All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise;—

Section XXIII. The writ of error shall be a writ of right in all cases of felony; and in capital cases shall operate as a supersedeas to stay the execution of the sentence of death, until the further order of the supreme court in the premises;—

Section XXIV. The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied;—

Section XXV. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property;—

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

Article. 11.

Distribution of Powers.

Section 1. The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Article
Legislative

Section 1. The Legislative authority is vested in a Senate and House of Representatives.

Section 2. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year eighteen hundred and eighty-five and every ten years thereafter, and at its first regular session after each enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the Legislature shall apportion the Senators and Representatives according to the number of inhabitants, excluding Indians not taxed, and Soldiers and Officers of the United States army and navy.

Section 3. The House of Representatives shall consist of eighty-four members and the Senate shall consist of thirty members, until the year eighteen hundred and eighty, after which time the number of members of each House shall be regulated by law. But the number of Representatives shall never exceed one hundred, nor that of Senators, thirty three. The

sessions of the legislature shall be biennial, except as otherwise provided in this constitution.

Section 4. The terms of office of members of the legislature shall be two years and they shall each receive for their services three dollars for each days attendance during the session, and ten cents for every mile they shall travel in going to and returning from the place of meeting of the legislature on the most usual route, provided, however, that they shall not receive pay for more than forty days at any one session; and neither members of the legislature nor employees shall receive any pay or perquisites other than their per diem and mileage.

Section 5. No person shall be eligible to the office of senator, or member of the House of Representatives, who shall not be an elector and have resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States, or of this state. And no person elected as aforesaid shall hold his office after he shall have re-

moved from such district.

Section 6. 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 Legislature, but this provision shall not extend to precinct or township officers, Justices of the Peace, Notaries Public, or Officers of the militia, nor shall any person interested in a contract with, or an unadjusted claim, against the State hold a seat in the Legislature.

Section 7. The session of the Legislature shall commence at 12 o'clock, (noon) on the first Tuesday in January in the year next ensuing the election of members thereof, and at no other time, unless as provided by this Constitution. A majority of the members elected to each House shall constitute a quorum; each House shall determine the rules of its proceedings and be ^{the} judge of the election returns, and qualifications of its members, shall choose its own officers, and the Senate shall choose a temporary president, to preside when the Lieutenant Governor shall not attend as president, or shall act

as Governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Legislature, and preside over it until a temporary presiding officer thereof shall have been chosen, and shall have taken his seat. No member shall be expelled by either House, except by a vote of two-thirds of all the members elected to that House, and no member shall be twice expelled for the same offence. Each House may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Section 8. Each House shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any two of them be entered on the Journal. All votes in either House shall be viva voce, the door of each

House, and of — Committee of ^{the} whole shall be open, unless when the business shall be such as ought to be kept secret. Neither House shall, without the consent of the other, adjourn for more than three days.

Section 9. Any bill may originate in either house of the Legislature, except bills appropriating money, which shall originate only in the House of Representatives, and all bills passed by one House, may be amended by the other.

Section 10. The enacting clause of a law shall be, "Be it enacted by the Legislature of the State of Nebraska" and no law shall be enacted except by bill. No bill shall be passed unless by assent of a majority of all the members elected to each House of the Legislature, and the question upon final passage shall be taken immediately upon its last reading and the yeas and nays shall be entered upon the journal.

Section 11. Every bill and concurrent resolution shall be read at large on three different days in each house, and the bill and all amendments thereto shall be printed before the vote is taken upon

its final passage. No bill shall contain more than one subject, and the same shall be clearly expressed in its title. And no law shall be amended unless the new act contain the section or sections so amended and the section or sections so amended shall be repealed. The presiding officer of each House shall sign in the presence of the House or its clerical presider, while the same is in session and capable of transacting business, all bills and concurrent resolutions passed by the Legislature.

Section 12, Members of the Legislature in all cases except treason, felony or breach of the peace, shall be privileged from arrest during the session of the Legislature, and for fifteen days next before the commencement and after the termination thereof.

Section 13, No person elected to the Legislature shall receive any civil appointment within this State from the Governor and Senate during the term for which he has been elected. And all such appointments and all votes given for any such member for any such office or appointment, shall be void. Nor shall any

member of the Legislature, or any State officer be inter-
ested either directly or indirectly, in any contract with
the State, County, or City, authorized by any law passed
during the term for which he shall have been elected,
or within one year after the expiration thereof. —

Section 14, The Senate and House of Representatives
in joint convention shall have the sole power of
impeachment, but a majority of the members elected
must concur therein. Upon the entertainment of a
resolution to impeach by either house, the other house
shall at once be notified thereof and the two houses
shall meet in joint convention for the purpose of
acting upon such resolution within three days of
such notification. A notice of an impeachment of
any officer, other than a justice of the Supreme
Court, shall be forthwith served upon the Chief
Justice, by the Secretary of the Senate, who shall
thereupon call a session of the Supreme Court to
meet at the Capital within ten days after such
notice to try the impeachment. A notice of an
impeachment of a justice of the Supreme Court

shall be served by the Secretary of the Senate, upon the Judge of the judicial district, within which the Capital is located, and he thereupon shall notify all the Judges of the District Court in the State to meet with him within thirty days at the Capital, to sit as a Court to try such impeachment, which Court shall organize by electing one of its members to preside. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted shall nevertheless be liable to prosecution and punishment according to law, no officer shall exercise his official duties after he shall have been impeached and notified thereof, until he shall have been acquitted.

Section 15. The legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces,

changing the names of persons or places,

Laying out, opening, altering and widening roads or
highways,

locating roads, town plots, streets, alleys, and pub-
lic grounds,

Locating or changing County seats,

Regulating County and Township officers,

Regulating the practice of Courts of Justice,

Regulating the jurisdiction and duties of Justices
of the Peace, Police Magistrates and Constables,

Providing for changes of venue in civil and Criminal cases,

Incorporating Cities, Towns, and Villages, or changing
or amending the charter of any Town, City, or Village,

Providing for the election of Officers in Townships,
incorporated Towns, or Cities,

Summoning or impanelling Grand or Petit Jurors,

Providing for the bonding of cities, towns, precincts,
school districts or other municipalities,

Providing for the management of Public Schools,

Regulating the interest on money, the opening and

conducting of any election, or designating the place of voting,

The sale or mortgage of real estate belonging to minors, or others under disability,

The protection of game or fish,

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed,

Changing the law of descent,

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose,

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever, In all other cases where a general law can be made applicable, no special law shall be enacted,

Section 16. The Legislature shall never grant any extra compensation to any public officer, agent,

servant, or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Section 17. The legislature shall never alienate the salt springs belonging to this state.

Section 18. Funds under control of the state shall never be devoted to railroad companies, private corporations or individuals.

Section 19. Each Legislature shall make appropriations for the expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two thirds vote of all the members elected to each house, and shall not exceed the amount of revenue authorized by law to be raised in such time. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries

of the officers of the Government, shall contain no provision on any other subject,

Section 20. All offices created by this Constitution shall become vacant by the death of the incumbent, by removal from the State, resignation, conviction of a felony, impeachment, or becoming of unsound mind, And the Legislature shall provide, ^{by general law} for the filling of such vacancy, when no provision is made for that purpose in this Constitution,

Section 21. The Legislature shall not authorize any games of chance, lottery, or gift enterprise, under any pretence or for any purpose whatever,

Section 22. No allowance shall be made for the incidental expenses of any State Officer except the same be made by general appropriation and upon an account specifying each item, No money shall be drawn from the Treasury, except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued by the Auditor thereon, and no money shall be diverted from any appropriation made for any purpose

or taken from any fund whatever, either by joint or separate resolution. The Auditor shall, within sixty days after the adjournment of each session of the Legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item, and to whom and for what paid.

Section 23. No member of the Legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

Section 24. No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, to be expressed in the preamble or body of the act, the Legislature shall, by a vote of two thirds of all the members elected to each House, otherwise direct. The laws shall be published in both forms within sixty days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may provide.

Article:

Legislative Apportionment.

Until otherwise provided by law, Senatorial and Representative Districts shall be formed, and Senators and Representatives apportioned as follows.

Senatorial Districts.

District No. 1. Shall consist of the County of Richardson, and be entitled to two Senators.

District No. 2. Shall consist of the County of Nemaha and be entitled to one Senator.

District No. 3. Shall consist of the County of Otoe, and be entitled to two Senators.

District No. 4. Shall consist of the County of Cass, and be entitled to one Senator.

District No. 5. Shall consist of the County of Douglas, and be entitled to two Senators.

District No. 6. Shall consist of the Counties of Douglas and Sarpy, and be entitled to one Senator.

District No. 7. Shall consist of the County of

Washington, and be entitled to one Senator.

District No. 8. Shall consist of the County of Dodge, and be entitled to one Senator.

District No. 9. Shall consist of the County of Cuming, and be entitled to one Senator.

District No. 10. Shall consist of the Counties of Butte and Dakota, and be entitled to one Senator.

District No. 11. Shall consist of the Counties of Madison, Stanton, Wayne, Pierce, Antelope, and Boone, and be entitled to one Senator.

District No. 12. Shall consist of the Counties of Dixon, Cedar, Knox, Holt and the unorganized territory west of Holt, and be entitled to one Senator.

District No. 13. Shall consist of the Counties of Hall, Howard, Merrick, Greeley, and the unorganized territory north of Greeley, and be entitled to one Senator.

District No. 14. Shall consist of the Counties of Platte and Colfax, and be entitled to one Senator.

District No. 15. Shall consist of the Counties of Butler and Polk, and be entitled to one Senator.

District No. 16. Shall consist of the County of Saunders, and be entitled to one Senator.

District No. 17. Shall consist of the County of Lancaster, and be entitled to two Senators.

District No. 18. Shall consist of the Counties of Johnson and Pawnee, and be entitled to one Senator.

District No. 19. Shall consist of the Counties of Sage and Jefferson, and be entitled to one Senator.

District No. 20. Shall consist of the County of Saline, and be entitled to one Senator.

District No. 21. Shall consist of the County of Seward, and be entitled to one Senator.

District No. 22. Shall consist of the Counties of York and Hamilton, and be entitled to one Senator.

District No. 23. Shall consist of the Counties of Gilmore and Blay and be entitled to one Senator.

District No. 24. Shall consist of the Counties of Adams, Webster, Truckee and Thayer and be entitled to one Senator.

District No. 25. Shall consist of the Counties of Buffalo, Kearney, Franklin, Harlan, Phelps, Sherman, Valley, and the unorganized territory west of Sherman, Valley, and Senatorial District number thirteen, (13) and be entitled to one Senator.

District No. 26. Shall consist of the Counties of Lincoln, Dawson, Gosper, Furnas, Red Willow, Frontier, Hitchcock, Dundy, Chase, Keith, Cheyenne, and the unorganized territory west of Frontier, and between Frontier and Chase, and be entitled to one Senator.

Representative Districts.

District No. 1. Shall consist of the County of Richardson, and be entitled to four Representatives.

District No. 2. Shall consist of the County of Pawnee, and be entitled to two Representatives.

District No. 3. Shall consist of the County of
Sage, and be entitled to two Representatives.

District No. 4. Shall consist of the County of
Johnson, and be entitled to two Representatives.

District No. 5. Shall consist of the County of
Jemaha, and be entitled to three Representatives.

District No. 6. Shall consist of the County of Otter,
and be entitled to four Representatives.

District No. 7. Shall consist of the County of
Bancaster, and be entitled to four Representatives.

District No. 8. Shall consist of the County of Saunders,
and be entitled to three Representatives.

District No. 9. Shall consist of the County of
Cass, and be entitled to three Representatives.

District No. 10. Shall consist of the County of
Sully, and be entitled to one Representative.

District No. 11. Shall consist of the County of
Douglas, and be entitled to eight Representatives.

District No. 12. Shall consist of the County of
Dodge, and be entitled to two Representatives.

District No. 13. Shall consist of the County of

Washington, and be entitled to two Representatives.

District No. 14. Shall consist of the County of Bent, and be entitled to one Representative.

District No. 15. Shall consist of the County of Cuming, and be entitled to two Representatives.

District No. 16. Shall consist of the County of Dakota, and be entitled to one Representative.

District No. 17. Shall consist of the County of Dixon, and be entitled to one Representative.

District No. 18. Shall consist of the County of Jefferson, and be entitled to one Representative.

District No. 19. Shall consist of the County of Chayen, and be entitled to one Representative.

District No. 20. Shall consist of the County of Truckolle, and be entitled to one Representative.

District No. 21. Shall consist of the County of Webster, and be entitled to one Representative.

District No. 22. Shall consist of the County of Adams, and be entitled to one Representative.

District No. 23. Shall consist of the County of Clay and be entitled to one Representative.

District No. 24. Shall consist of the County of
Fillmore, and be entitled to one Representative.

District No. 25. Shall consist of the County of
Saline, and be entitled to three Representatives.

District No. 26. Shall consist of the County of
Seward, and be entitled to two Representatives.

District No. 27. Shall consist of the County of
York, and be entitled to two Representatives.

District No. 28. Shall consist of the County of
Hamilton, and be entitled to one Representative.

District No. 29. Shall consist of the County of
Hall, and be entitled to one Representative.

District No. 30. Shall consist of the County of
Buffalo, and be entitled to one Representative.

District No. 31. Shall consist of the County of
Lincoln, and be entitled to one Representative.

District No. 32. Shall consist of the County of
Harlan, and be entitled to one Representative.

District No. 33. Shall consist of the Counties
of Howard and Greeley and be entitled
to one Representative.

District No. 34. Shall consist of the County of Merrick, and be entitled to one Representative.

District No. 35. Shall consist of the County of Folk, and be entitled to one Representative.

District No. 36. Shall consist of the County of Butler, and be entitled to one Representative.

District No. 37. Shall consist of the County of Colfax, and be entitled to one Representative.

District No. 38. Shall consist of the County of Platte, and be entitled to one Representative.

District No. 39. Shall consist of the County of Madison, and be entitled to one Representative.

District No. 40. Shall consist of the County of Cedar, and be entitled to one Representative.

District No. 41. Shall consist of the Counties of Bent and Dodge, and be entitled to one Representative.

District No. 42. Shall consist of the Counties of Stanton, Wayne and Pierce, and be entitled to one Representative.

District No. 43. Shall consist of the Counties

of Knox and Holt, and the unorganized territory west of Holt, and be entitled to one Representative.

District No. 44. Shall consist of the County of Antelope, and be entitled to one Representative.

District No. 45. Shall consist of the Counties of Boone, Valley, Sherman, and the unorganized territory west of Sherman and Valley Counties, and west of the thirtieth Senatorial District, and be entitled to one Representative.

District No. 46. Shall consist of the Counties of Dawson and Frontier, and be entitled to one Representative.

District No. 47. Shall consist of the Counties of Franklin and Kearney, and be entitled to one Representative.

District No. 48. Shall consist of the Counties of Furnas, Phelps and Gosper, and be entitled to one Representative.

District No. 49. Shall consist of the Counties of Cheyenne, Keith, Dundy, Chase, Hitchcock

Red Willow, and the unorganized territory north of the County of Hitchcock, and be entitled to one Representative.

District No. 50. Shall consist of the Counties of Cass and Saunders, and be entitled to one Representative.

District No. 51. Shall consist of the Counties of Platte, Colfax and Butler, and be entitled to one Representative.

District No. 52. Shall consist of the Counties of Fillmore and Clay, and be entitled to one Representative.

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Article

Executive Department

Section 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Attorney General, and Commissioners of Public Lands and Buildings, who shall each hold his office for the term of two years from the ^{tuesday in January} ~~first Thursday~~ ^{and the first} next after his election, and until his successor is elected and qualified; ^{after} provided, however, that the first election of said officers shall be held on the Tuesday succeeding the first Monday in November, 1876, and each succeeding election shall be held at the same relative time in each year thereafter. The Governor, secretary of state, auditor of public accounts, and treasurer, shall reside at the seat of government during their terms of office, and keep the public records, books and papers there, and shall perform such duties as may be required by law.

Section 2. No person shall be eligible to the office

of governor or lieutenant governor who shall not have attained the age of thirty years, and been for two years next preceding his election a citizen of the United States and of this State. None of the officers of the executive department shall be eligible to any other state office during the period for which they shall have been elected.

Section 3. The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.

Section 4. The returns of every election for the officers of the executive department shall be rolled up and transmitted by the returning officers to the secretary of state, directed to the speaker of the House of Representatives, who shall immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the legislature, who shall, for that purpose assemble in the hall of the house of representatives. The person having the highest number of votes

for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes, the legislative shall, by joint vote, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the legislature, by joint vote, in such manner as may be prescribed by law.

Section 5. All civil officers of this state shall be liable to impeachment for any misdemeanor in office.

Section 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

Section 7. The governor shall, at the commencement of each session, and at the close of his term of office, and whenever the legislature may require, give to the legislature information by message of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall account to the legislature, and accompany his message with a statement

of all moneys received and paid out by him, from any funds subject to his order, with the exception, and, at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes,

Section 8. The governor may, on extraordinary occasions, convene the legislature by proclamation, stating therein the purpose for which they are convened, and the legislature shall enter upon no business except that for which they were called together.

Section 9. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may on the same being certified to him by the house first moving the adjournment adjourn the legislature to such time as he thinks proper not beyond the first day of the next regular session,

Section 10. The governor shall nominate and by and with the advice and consent of the senate (expressed by a majority of all the senators

electd, voting by yeas and nays.) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise by law or hereinafter provided for; and no such officer shall be appointed or elected by the legislature.

Section 11. In case of a vacancy during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate, (a majority of all the senators elected concurring by voting yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person after being rejected by the senate, shall be again nominated for the same office at the same session, unless at request of the senate, or be appointed to the same office during the recess of the legislature.

Section 12. The governor shall have power to remove any officer, whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office, and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.

Section 13. The governor shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason, and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature, at every regular session, each case of reprieve, commutation or pardon granted, stating the name of the convict,

the crime of which he was convicted, the sentence and its date, and the date of the reprieve, commutation or pardon.

Section 14. The governor shall be commander-in-chief of the military and naval forces of the state (except when they shall be called into the service of the United States) and may call out the same to execute the laws, suppress insurrection, and repel invasion.

Section 15. Every bill passed by the legislature, before it becomes a law, and every order, resolution or vote to which the concurrence of both houses may be necessary (except on questions of adjournment) shall be presented to the governor. If he approve he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then three-fifths of the members elected agree to pass the same, it shall

Be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by three-fifths of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered ^{up} on the journal. Any bill which shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, 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 be filed, with his objections, in the office of the secretary of state within five days after such adjournment, or become a law. The governor may disapprove any item or items of appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner herein prescribed in cases of disapproval of bills.

Section 16. In case of the death, impeachment and notice thereof to the accused, failure to qualify, resignation, absence from the state, or other disability of the governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant governor.

Section 17. The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided.

Section 18. If there be no lieutenant governor, or if the lieutenant governor for any of the causes specified in section sixteen of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed, and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

Section 19. The commissioner of public lands and buildings, the secretary of state, treasurer and attorney general shall form a board, which shall have general supervision and control of all the buildings grounds and lands of the state, the state prison, asylums, and all other institutions thereof, except those for educational purposes, and shall perform such duties, and be subject to such rules and regulations, as may be prescribed by law.

Section 20. If the office of auditor of public accounts, treasurer, secretary of state, attorney general, commissioner of public lands and buildings, or superintendent of public instruction, shall be vacated by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.

Section 21. An account shall be kept by

the officers of the executive department and of all the public institutions of the state of all monies received or disbursed by them severally from all sources, and for every service performed, and a semi annual report thereof be made to the governor under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

Section 22. The officers of the executive department and of all the public institutions of the state shall at least ten days preceding each regular session of the legislature severally report to the governor, who shall transmit such reports to the legislature together with the reports of the judges to the supreme court of defects in the constitution and laws, and the governor or either house of the legislature may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of

their respective offices.

Section 23. There shall be a seal of the state, which shall be called the "great seal of the state of Nebraska" which shall be kept by the secretary of state, and used by him officially as directed by law.

Section 24. The salaries of the governor, auditor of public accounts and treasurer, shall be two thousand five hundred dollars each per annum, and of the secretary of state, attorney general, superintendent of public instruction, and commissioner of public lands and buildings shall be two thousand dollars each per annum. The lieutenant governor shall receive twice the compensation of a senator, and after the adoption of this constitution, they shall not receive to their own use any fees, costs, interest upon public moneys in their hands, or under their control, perquisites of office or other compensation, and all fees that may hereafter be payable by law for services performed by an officer provided for in this article of the constitution

shall be paid in advance into the state treasury,
There shall be no allowance for clerk hire in the
offices of the superintendent of public instruction
and attorney general.

Section, 25. The officers mentioned in this article
shall give bonds in not less than double the amount
of money that may come into their hands, and in
no case in less than the sum of fifty thousand
dollars, with such provisions as to sureties and
the approval thereof, and for the increase of the
penalty of such bonds, as may be prescribed by
law.

Section, 26. No other executive state office shall
be continued or created, and the duties now devol-
ving upon officers not provided for by this con-
stitution shall be performed by the officers herein
created.

Article
The Judicial Department.

Section. 1. The judicial power of this state shall be vested in a supreme court, district courts, county courts, justices of the peace, police magistrates, and in such other courts, inferior to the district courts as may be created by law for cities and incorporated towns.

Section. 2. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum to pronounce a decision. It shall have original jurisdiction in cases relating to the revenue, civil cases in which the state shall be a party, mandamus, quo warranto, habeas corpus, and such appellate jurisdiction as may be provided by law.

Section. 3. At least two terms of the supreme court shall be held each year, at the seat of government.

Section. 4. The judges of the supreme court shall be elected by the electors of the state at large; and their terms of office, except of those chosen at the first election, as hereinafter provided, shall be six years.

Section. 5. The judges of the supreme court, shall

immediately after the first election under this constitution, be classified by lot so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years.

Section. 6. The judge of the supreme court having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and as such shall preside at all terms of the supreme court; and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.

Section. 7. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States; nor unless he shall have resided in this state at least three years next preceding his election.

Section. 8. There shall be appointed by the supreme court a reporter, who shall also act as clerk of the supreme court, and a librarian of the law and miscellaneous library of the state, whose term of office shall be four years, unless sooner removed by the court.

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page

whose salary shall be fixed by law, not to exceed fifteen hundred dollars per annum. The copyright of the state reports shall for ever belong to the state.

Section. 9. The district courts shall have both chancery and common law jurisdiction, and such other jurisdiction as the legislature may provide; and the judges thereof may admit persons charged with felony to a plea of guilty and pass such sentence as may be prescribed by law.

Section. 10. The state shall be divided into six judicial districts, in each of which shall be elected, by the electors thereof, one judge who shall be judge of the district court therein, and whose term of office shall be four years; Until otherwise provided by law, said districts shall be as follows;

First District. The counties of Richardson, Johnson, Pawnee, Gage, Jefferson, Saline, Thayer, Clay, Nuckolls, and Fillmore,

Second District. The counties of Nemaha, Otoe, Cass, and Lancaster,

Third District. The counties of Douglas, Garpay,

Washington, and Burt.

Fourth District. The counties of Saunders, Dodge, Butler, Colfax, Platte, Polk, Merrick, Hamilton, York, Seward Hall, and Howard.

Fifth District. The counties of Buffalo, Adams, Webster, Franklin, Harlan, Kearney, Phelps, Gosper, Furnas, Hitchcock, Dundy, Chase, Cheyenne, Keith, Lincoln, Dawson, Sherman, Red Willow Frontier and the unorganized territory west of said district.

Sixth District. The counties of Summing, Dakota, Dixon, Cedar, Wayne, Hamilton, Maddison, Boone, Pierce, Knox, Antelope, Holt, Greeley, Valley, and the unorganized territory west of said district.

Section 11. The legislature, whenever two thirds of the members elected to each house, shall concur therein, may, on or after the year one thousand eight hundred and eighty, and not oftener than once in every four years, increase the number of judges of the district courts and the judicial districts of the state. Such districts shall be formed of compact territory, and bounded by county lines; and such increase, or any change in the boundaries

of a district, shall not vacate the office of any judge.

Section, 12. The judges of the district courts may hold courts for each other and shall do so when required by law.

Section, 13. The judges of the supreme and district courts shall each receive a salary of twenty five hundred dollars per annum, payable quarterly.

Section, 14. No judge of the supreme or district courts shall receive any other compensation, perquisite, or benefit, for or on account of his office, in any form whatsoever, nor act as attorney or counsellor at law in any manner whatsoever, nor shall any salary be paid to any county judge.

Section, 15. There shall be elected in and for each organized county one judge, who shall be judge of the county court of such county, and whose term of office shall be two years.

Section, 16. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians, and settlements of their

accounts; in all matters relating to apprentices; and such other jurisdiction as may be given by general law. But they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment, or a fine of over five hundred dollars; nor in actions in which title to real estate is sought to be recovered, or may be drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor in civil actions where the debt or sum claimed shall exceed one thousand dollars.

Section. 17. Appeals to the district courts from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, and in such other cases as may be provided by law.

Section. 18. Justices of the peace and police magistrates shall be elected in and for such districts, and have and exercise such jurisdiction as may be provided by law; provided, that no justice of the peace shall have jurisdiction of any civil case where the amount in controversy shall exceed two hundred dollars;

nor in a criminal case where the punishment may exceed three months imprisonment, or a fine of over one hundred dollars; nor in any matter wherein the title or boundaries of land may be in dispute.

Section, 19. All laws relating to courts shall be general, and of uniform operation; and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law and the force and effect of the proceedings, judgments, and decrees of such courts, severally, shall be uniform.

Section, 20. All officers provided for in this article shall hold their offices until their successors shall ^{be qualified and they shall} respectively reside in the district, county or precinct for which they shall be elected or appointed. The terms of office of all such officers, when not otherwise prescribed in this article, shall be two years. All officers, when not otherwise provided for in this article, shall perform such duties and receive such compensation as may be provided by law.

Section, 21. In case the office of any judge of the supreme court, or of any district court, shall become

vacant before the expiration of the regular 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 unexpired term at the first general election that occurs more than thirty days after the vacancy shall have happened. Vacancies in all other elective offices provided for in this article shall be filled by election, but when the unexpired term does not exceed one year the vacancy may be filled by appointment, in such manner as the legislature may provide.

Section, 22. The state may sue and be sued, and the legislature shall provide by law in what manner and in what courts suits shall be brought.

Section, 23. The several judges of the courts of record shall have such jurisdiction at chambers as may be provided by law.

Section, 24. All process shall run in the name of "The State of Nebraska" and all prosecutions shall be carried on in the name of "The State of Nebraska."

Article.
Rights of Suffrage

Section 1. Every male person of the age of twenty one years or upwards belonging to either of the following classes, who shall have resided in the state six months, and in the county, precinct, or ward for the term provided by law, shall be an elector.

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States, on the subject of naturalization, at least thirty days prior to an election.

Section 2. No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the law of the state or of the United States, unless restored to civil rights.

Section 3. Every elector in the actual military service of the United States, or of this state, and not in the regular army, may exercise the right of suffrage at such place and under such regulations as may

be provided by law.

Section. IV. No soldier, seaman, or marine in the army and navy of the United States shall be deemed a resident of the state in consequence of being stationed therein.

Section. V. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same, and no elector shall be obliged to do military duty on the days of election, except in time of war and public danger.

Section. VI. All votes shall be by ballot.

Article
Education

Section 1. The Governor, Secretary of State, Treasurer, Attorney General, and Commissioner of Public Lands and Buildings shall, under the direction of the legislature, constitute a board of commissioners for the sale, leasing and general management of all lands and funds set apart for educational purposes, and for the investment of school funds, in such manner as may be prescribed by law.

Section 2. All lands, money or other property granted, or bequeathed, or in any manner conveyed to this state for educational purposes, shall be used and expended in accordance with the terms of such grant, bequest, or conveyance.

Section 3. The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to wit:

First. Such per centum as has been, or may hereafter be, granted by congress on the sale of lands in this state,

Second.—All moneys arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third—The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant, the same are not to be otherwise appropriated.

Fourth.—The net proceeds of lands and other property and effects that may come to the state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. All moneys, stocks, bonds, lands, and other property now belonging to the common school fund,

Section 4. All other grants, gifts and devises, that have been, or may hereafter be, made to this state, and not otherwise appropriated by the terms of the grant, gift, or devise, the interest arising from all the funds mentioned in the preceding section, together with all the rents of the unsold school lands, and such other means as the legislature may provide, shall be exclusively applied to

the support and maintenance of common schools in each school district in the state, _____

Section 5. All fines, penalties, and license moneys, arising under the general laws of the state, shall belong and be paid over to the counties respectively, where the same may be levied or imposed, and all fines, penalties and license moneys arising under the rules, by-laws, or ordinance of cities, villages, towns, precincts, or other municipal subdivision less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license moneys shall be appropriated exclusively to the use and support of common schools in the respective sub-divisions where the same may accrue, _____

Section 6. The legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.

Section 7. Provision shall be made by general law for an equitable distribution of the income of the fund set apart for the support of the common schools, among the several school districts of the state and no appropriation shall be made from said fund to any district

for the year in which school is not maintained at least
three months.

Section 8. University, agricultural college, common
school or other lands which are now held or may here-
after be acquired by the state for educational purposes,
shall not be sold for less than seven dollars per acre, nor
less than the appraised value.

Section 9. All funds belonging to the state for educa-
tional purposes, the interest and income whereof only
are to be used, shall be deemed trust funds held by the
state, and the state shall supply all losses there of,
that may in any manner accrue, so that the same
shall remain forever inviolate and undiminished, and
shall not be invested or loaned except on United
States or state securities, or registered county bonds of
this state; and such funds with the interest and in-
come thereof, are hereby solemnly pledged for the
purposes for which they are granted and set apart,
and shall not be transferred to any other fund for
other uses.

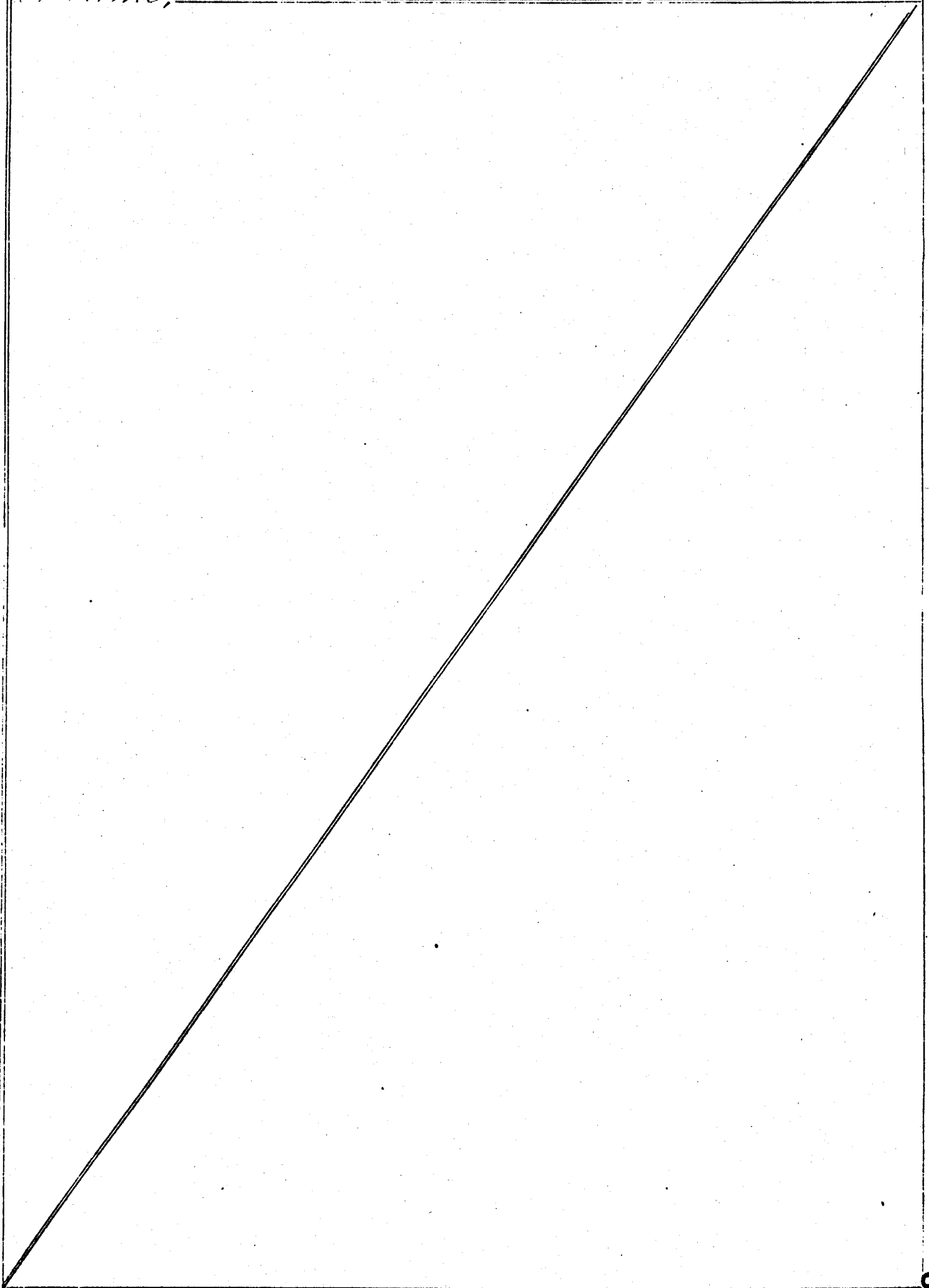
Section 10. The general government of the University

of Nebraska, shall, under direction of the legislature, be vested in a board of six regents to be styled the Board of Regents of the University of Nebraska, who shall be elected by the electors of the state at large, and their term of office except those chosen at the first election as hereinafter provided, shall be six years. Their duties and powers shall be prescribed by law, and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

Section 11. No sectarian instruction shall be allowed in any school or institution supported in whole or in part by the public funds set apart for educational purposes; nor shall the state accept any grant, conveyance, or bequest of money, lands or other property to be used for sectarian purposes.

Section 12. The legislature may provide by law for the establishment of a school or schools for the safe keeping, education, employment and reformation of all children under the age of sixteen years, who for want of proper parental

case, or other cause, are growing up in mendicancy
or crime,



Article

Revenue and Finance.

Section 1. The Legislature shall provide such revenue as may be needed, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property and franchises the value to be ascertained in such manner as the Legislature shall direct, and it shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, inn-keepers, liquor dealers, toll-bridges, ferries, insurance, telegraphs and express interests or business, vendors of patents, in such manner as it shall direct by general law, uniform as to the class upon which it operates.

Section 2. The property of the state, counties and municipal corporations, both real and personal shall be exempt from taxation, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation.

but such exemption shall be only by general law. In the assessment of real estate, incumbered by public easement, any depreciation, occasioned by such easement may be deducted in the valuation of such property. The Legislature may provide that the increased value of lands by reason of live fences, fruit and forest trees, grown and cultivated thereon, shall not be taken into account, in the assessment thereof.

Section 3. The right of redemption from all sales of real estate, for the non-payment of taxes, or special assessments of any character whatever, shall exist in favor of owners, and persons interested in such real estate, for a period of not less than two years from such sales thereof. Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

Section 4. The Legislature shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes.

poor, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever.

Section 5. County authorities shall never assess taxes the aggregate of which shall exceed one and a half dollars per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

Section 6. The Legislature may vest the corporate authorities of cities, towns and villages, with power to make local improvements by special assessment, or by special taxation of property benefitted. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

Section 7. Private property shall not be liable to be taken or sold for the payment of the corporate debt of municipal corporations. The Legislature shall

not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes.

Section 8. The Legislature at its first session shall provide by law for the funding of all outstanding warrants, and other indebtedness of the state, at a rate of interest not exceeding eight per cent per annum.

Section 9. The Legislature shall provide by law, that all claims upon the treasury, shall be examined and adjusted by the auditor, and approved by the secretary of state, before any warrant for the amount allowed shall be drawn. Provided, that a party aggrieved by the decision of the auditor and secretary of state may appeal to district court.

Article
Counties.

Section 1. No new county shall be formed or established by the legislature which will reduce the county or counties, or either of them to a less area than four hundred square miles, nor shall any county be formed of a less area,

Section 2. No county shall be divided, or have any part stricken therefrom, without first submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same,

Section 3. There shall be no territory stricken from any organized county, unless a majority of the voters living in such territory shall petition for such division, and no territory shall be added to any organized county without the consent of the majority of the voters of the county to which it is proposed to be added; but the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be

holder for and obliged to pay its proportion of the indebtedness of the counties from which it has been taken.

Section, 4. The legislature shall provide by law for the election of such county and township officers as may be necessary.

Section, 5. The legislature shall provide by general law for township organization, under which any county may organize whenever a majority of the legal voters of such county voting at any general election shall so determine; and in any county that shall have adopted a township organization the question of continuing the same may be submitted to a vote of the electors of such county at a general election in the manner that shall be provided by law.

Article.

Railroad Corporations.

Section 1. Every railroad corporation organized, or doing business in this state, under the laws or authority thereof, or of any other state, or of the United States, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the amount of stock paid in and by whom, the transfers of said stock, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad corporation or other parties having control of its road, shall annually make a report under oath, to the auditor of public accounts, or some officer to be designated by law, of the amount received from passengers and freight, and such other matters relating to railroads as may be prescribed by law. And that

legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Section 2. The rolling stock and all other movable property belonging to any railroad company or corporation in this state, shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no law exempting any such property from execution and sale.

Section 3. No railroad corporation, or telegraph company, shall consolidate its stock, property, franchises, or earnings in whole or in part, with any other railroad corporation or telegraph company owning a parallel or competing line; and in ^{no} case shall any consolidation take place, except upon public notice of at least sixty days, to all stockholders, in such manner as may be provided by law.

Section 4. Railways heretofore constructed, or that may hereafter be constructed, in this state are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law

And the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited.

Section 5. No railroad corporation shall issue any stock or bonds, except for money, labor or property actually received and applied to the purposes for which such corporation was created; and all stock, dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation shall be void. The capital stock of railroad corporations shall not be increased for any purpose, except after public notice for sixty days, in such manner as may be provided by law.

Section 6. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature, of the property and franchises of incorporated companies already organized, or hereafter to be organized, and subjecting them to the public necessity the same as of

individuals.

Section 7. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in all charges of express, telegraph and railroad companies in this state and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Section 8. No railroad corporation organized under the laws of any other state, or of the United States and doing business in this state shall be entitled to exercise the right of eminent domain or have power to acquire the right of way, or real estate for depots or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this state.

Article.

Municipal Corporations.

Section 1. No city, county, town, precinct, municipality, or other sub. division of the state, shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, or private corporation, or association.

1

Article

Miscellaneous Corporations

Section 1. No corporation shall be created by special law, nor its charter extended, changed, or amended, except those for charitable, educational, penitentiary, or reformatory purposes, which are to be and remain under the patronage and control of the state, but the legislature shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this section may be altered from time to time, or repealed.

Sec. 2. No such general law shall be passed by the legislature granting the right to construct and operate a street railroad within any city, town, or incorporated village without first requiring the consent of a majority of the electors thereof.

Sec. 3. All corporations may sue and be sued in like cases as natural persons.

Sec. 4. In all cases of claims against corporations and joint stock associations, the exact amount justly due shall be first ascertained, and after the corporate property shall have been exhausted the original subscribers thereof shall be individually liable to the extent of their unpaid subscription, and the liability for the unpaid subscription shall follow the stock.

Sec. 5. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall ^{have} the right to vote in person or proxy, for the number of shares of stock owned by him, for as many persons as there are directors

or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute them upon the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner.

Sec. 6. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not be in operation within sixty days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

Sec. 7. Every stock holder in a banking corporation or institution shall be individually responsible and liable to

its creditors over and above the amount of stock by him held to an amount equal to his respective stock or shares so held, for all its liabilities accruing while he remains such stockholder, and all banking corporations shall publish quarterly statements under oath of their assets and liabilities.

Article

State, County and Municipal Indebtedness.

Section 1. The state may, to meet casual deficits, or failures in the revenues, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax, shall be irrevocable until such debt be paid.

Section 2. No city, county, town, precinct, municipality, or other subdivision of the state, shall ever make donations to any railroad, or other works of internal improvement, unless a proposition so to do, shall have been first submitted to the qualified electors thereof, at an election by authority of law. Provided, that such donations of a

county with the donations of such subdivisions in the aggregate shall not exceed ten per cent of the assessed valuation of such county. Provided further, that any city or county may, by a two-thirds vote increase such indebtedness five per cent in addition to such ten per cent; and no bonds or evidences of indebtedness so issued shall be valid, unless the same shall have endorsed thereon a certificate signed by the secretary and auditor of state, showing that the same is issued pursuant to law.

Section 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation.

Article.

Militia.

Section 1. The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same.

Article.

Miscellaneous Provisions.

Section 1. Executive and judicial officers and members of the legislature, before they enter upon their official duties shall take and subscribe the following oath, or affirmation. I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Nebraska, and will faithfully discharge the duties of according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office.

for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation.)

Any such officer or member of the legislature who shall refuse to take the oath herein prescribed, shall forfeit his office, and any person who shall be convicted of having sworn falsely to, or of violating his said oath shall forfeit his office, and thereafter be disqualified from holding any office of profit or trust in this state unless he shall have been restored to civil rights.

Sec. 2. Any person who is in default as collector and custodian of public money or property shall not be eligible to any office of trust or profit under the constitution or laws of this state; nor shall any person convicted of felony be eligible to office unless he shall have been restored to civil rights.

Sec. 3. Drunkenness shall be cause of
impeachment and removal from
office.

75

Article

Amendments.

Section 1. Either branch of the legislature may propose amendments to this constitution, and if the same be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and published once each week in at least one newspaper in each county, where a newspaper is published, for three months immediately preceding the next election of senators and representatives, at which election the same shall be submitted to the electors for approval or rejection, and if a majority of the electors voting at such election, adopt such amendments, the same shall become a part of this constitution. When more than one amendment is submitted at the same election they shall be so submitted as to enable the electors to vote on each amendment separately.

Section 2. When three-fifths of the members elected to each branch of the legislature deem it necessary to call a convention to revise, amend, or change this

constitution, they shall recommend to the electors to vote at the next election of members of the legislature, for or against a convention, and if a majority voting at said election vote for a convention, the legislature shall, at its next session provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

No amendment or change of this constitution, agreed upon by such convention, shall take effect until the same has been submitted to the electors of the state, and adopted by a majority of those voting for and against the same.

Article,
Schedule.

Section 1. That no inconvenience may arise from the revisions and changes made in the constitution of this state and to carry the same into effect, it is hereby ordained and declared that all laws in force at the time of the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts of this state, individuals or bodies corporate, shall continue to be as valid as if this constitution had not been adopted.

Section 2. All fines, taxes, penalties and forfeitures owing to the State of Nebraska, or to the people thereof, under the present constitution and laws, shall inure to the use of the people of the State of Nebraska, under this constitution.

Section 3. Recognizances, bonds, obligations, and all other instruments entered into or executed upon the adoption of this constitution, to the people of the state of Nebraska, to the State of Nebraska, to any state or county officer, or public body, shall

remain binding and valid, and rights and liabilities upon the same shall continue; and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this State.

Section 4. All existing courts which are not in this constitution specifically enumerated, and concerning which no other provision is herein made shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

Section 5. All persons now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions, elections or appointments, unless by this constitution it is otherwise directed.

Section 6. The district attorneys now in office shall continue ^{during} their unexpired terms to hold and exercise the duties of their respective offices in the judicial districts herein created, in which they severally reside. In each of the remaining districts

one such officer shall be elected at the first general election, and hold his office until the expiration of the terms of those now in office.

Section 7. This constitution shall be submitted to the people of the State of Nebraska, for adoption or rejection, at an election to be held on the second Tuesday of October 1875, and there shall be separately submitted at the same time for adoption or rejection the independent article relating to "Seat of Government" and the independent article, "allowing electors to express their preference for United States Senator".

Section 8. At said election the qualified electors shall vote at the usual places of voting, and the said election shall be conducted and the returns thereof made according to the laws now in force regulating general elections, except as herein otherwise provided.

Section 9. The Secretary of State shall, at least twenty days before said election, cause to be delivered to the county clerks of each county, blank poll books

tally lists, and forms of return, and twice as many of properly prepared printed ballots for the said election as there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary is by law required to be audited and paid; and the several county clerks shall, at least five days before said election, cause to be distributed to the judges of election in each election precinct in their respective counties, said blank poll books, tally lists, forms of return, and tickets.

Section 10. At the said election the ballots shall be of the following form:

For the New Constitution,

Against the New Constitution,

For the article relating to "Seat of Government"

Against the article relating to "Seat of Government"

For the article "allowing electors to express their preference for United States Senator,"

Against the article "allowing electors to express their preference for United States Senator"

Section 11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this Constitution and for or against the articles respectively submitted shall be made by the several county clerks to the secretary of state, within fourteen days after the election, and the returns of the said votes shall within three days thereafter, be examined and canvassed by the president of this Convention, the secretary of state, and the governor, or any two of them, and proclamation shall be made forthwith, by the governor or the president of this convention, of the result of the canvass.

Section 12. If it shall appear that a majority of the votes polled are for the "New Constitution" then so much of this new Constitution as was not separately submitted to be voted on by articles shall be the supreme Law of the State of Nebraska on and after the first day of November A. D. 1875. But if it shall appear that a majority of the votes polled were "Against the New Constitution" the whole thereof including the articles separately submitted

shall be null and void. If the votes for the "New Constitution" shall adopt the same and it shall appear that a majority of the votes polled are "for the article relating to 'Seat of Government'" said article shall be a part of the Constitution of this state. If the votes for the "New Constitution" shall adopt the same and it shall appear that a majority of the votes polled are "for the article" "Allowing electors to express their preference for United States Senator" said article shall be a part of the Constitution of this state.

Section 13. The general election of this state shall be held on the Tuesday succeeding the first Monday of November of each year, except the first general election which shall be on the second Tuesday in October 1875. All state, district, county, precinct and township officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, villages and towns, shall be elected at a general election to be held as aforesaid, Judges of the Supreme,

district and county courts, all elective county and precinct officers, and all other elective officers, the time for the election of whom is not herein otherwise provided for, and which are not included in the above exception, shall be elected at the first general election and thereafter at the general election next preceding the time of the termination of their respective terms of office, provided, that the office of no county commissioner shall be vacated hereby.

Section 14. The terms of office of all state and county officers, of judges of the supreme, district and county courts, and regents of the University, shall begin on the first Thursday after the first Tuesday in January next succeeding their election, the present state and county officers, members of the legislature, and regents of the University, shall continue in office until their successors shall be elected and qualified.

Section 15. The supreme, district and county courts established by this constitution shall be the successors respectively of the supreme court, the district courts and the probate courts, having

jurisdiction under the existing constitution,

Section 16. The supreme, district, and probate courts now in existence, shall continue, and the judges thereof shall exercise the power and retain their present jurisdiction until the courts provided for by this Constitution shall be organized,

Section 17. All cases, matters and proceedings, pending undetermined in the several courts, and all records, judgments, orders and decrees remaining therein are hereby transferred to and shall be proceeded in and enforced ^{in and} by the successors thereof respectively,

Section 18. If this Constitution be adopted the existing constitution shall cease in all its provisions on the first day of November A. D. 1845,

Section 19. The provisions of this Constitution required to be executed prior to the adoption or rejection thereof shall take effect and be in force immediately,

Section 20. The legislature shall pass all laws necessary to carry into effect the provisions of the

constitution.

Section 21. On the taking effect of this constitution all state officers hereby continued in office shall before proceeding ^{in the} further discharge of their duties, take an oath or affirmation to support this constitution.

Section 22. The regents of the University shall be elected at the first general election under this constitution, and be classified by lot so that two shall hold their offices for the term of two years, two for the term of four years, and two for the term of six years.

Section 23. The present executive state officers shall continue in office until the executive state officers provided for in this constitution shall be elected and qualified.

Section 24. The returns of the whole vote cast for the judges of the supreme and district courts, district attorneys and regents of the University, under the first general election shall be made by the several county clerks to the secretary of state

within fourteen days after the election; and the returns of the said votes shall within three days thereafter be examined and canvassed by the governor, secretary of state and the president of this convention, or any two of them, and certificates of election shall forthwith be issued by the secretary of state to the persons found to be elected.

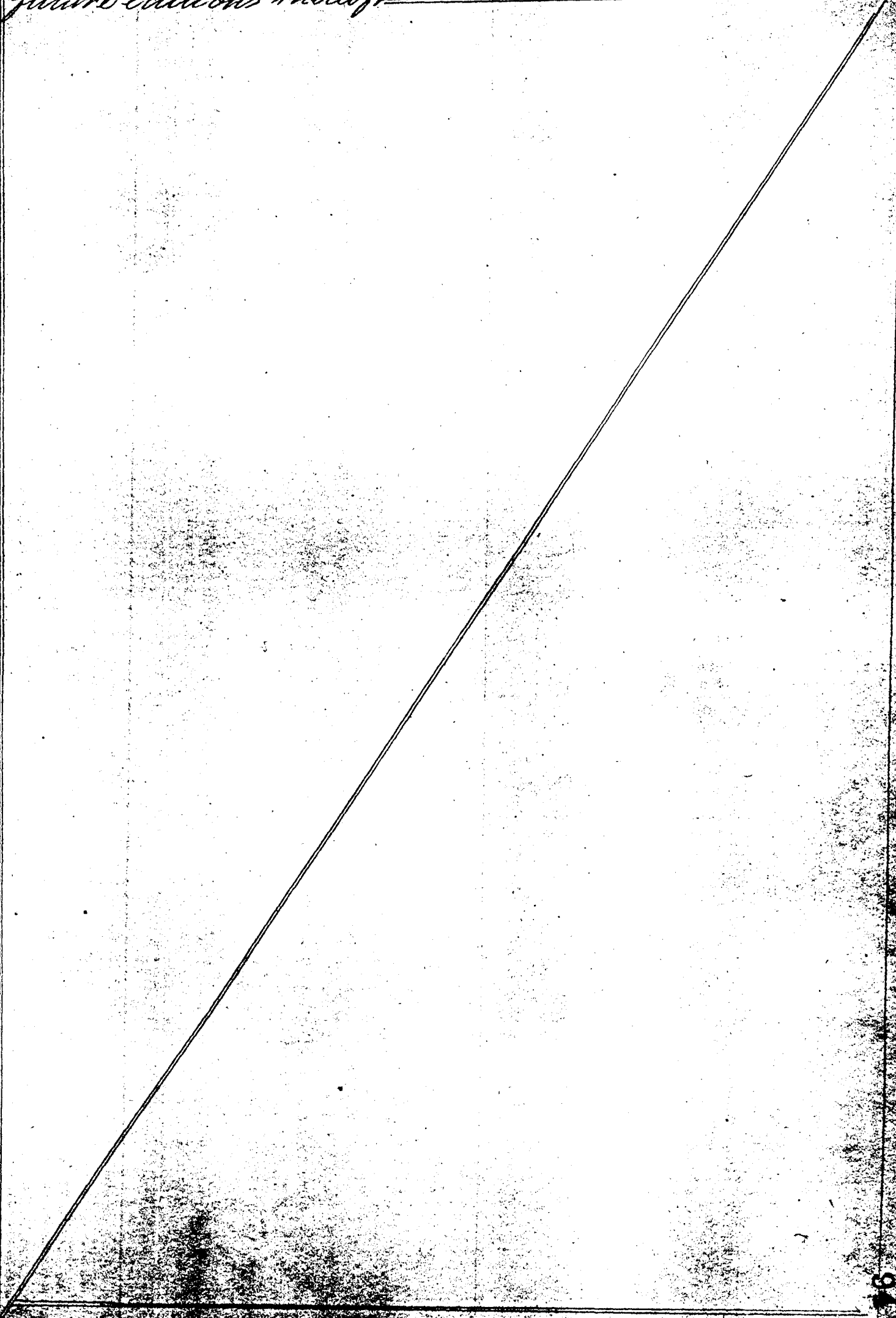
Section 25. The auditor shall draw the warrants of the state quarterly for the payment of the salaries of all officers under this constitution, whose compensation is not otherwise provided for, which shall be paid out of any funds not otherwise appropriated.

Section 26. Unless otherwise provided by law, the judges of the district courts shall fix the time of holding courts in their respective districts.

Section 27. The members of the first legislature under this constitution shall be elected in the year 1876.

Section 28. This constitution shall be enrolled and deposited in the office of the secretary of state, and printed copies thereof shall be prepared to

*the books containing the laws of this state, and all
future editions thereof.*



Propositions separately submitted,
Allowing Electors to express their
preference for United States Senator,

The legislature may provide that at the general election immediately preceding the expiration of the term of a United States Senator from this State, the electors may by ballot express their preference for some person for the office of United States Senator, the votes cast for such candidates shall be canvassed and returned in the same manner as for State officers,

Seat of Government,

The seat of government of the State shall not be removed or relocated without the assent of a majority of the electors of the State voting thereupon, at a general election or elections, under such rules and regulations as to the number of elections and manner of voting and places to be voted for, as may be prescribed by law, provided the question of removal may be submitted at such other general elections as may be provided by law.

Done in Convention at the Capitol in the city of Annapolis
on the twelfth day of June in the year of our Lord
one thousand eight hundred and seventy-five, and
of the independence of the United States of America
the ninety-ninth. In witness whereof, we have
hereunto subscribed our names.

Wm Lee Webster. President.

J. A. Abbot

James Adair

Luke Ager

J. E. Doorn

J. P. Licker

W. L. Dunlap

J. O. Bugh

R. C. Eldridge

Wm. Buggs

H. E. Ewan

William H. Brady

J. B. Fitz

Charles H. Brown

Edw. M. Brady

S. J. Burch

Joseph Garbin

S. H. Calloway

C. H. Gere

E. C. Carns

Henry Greer

J. S. Clark

Edwin A. Ginn

S. H. Coats

George Le Grifffing

A. H. Conner

William A. Greer

W. H. Conner

Arthur Hull

J. A. Hull

James Harper	Isaac Pownall Jr
Robert B Harrington	M. B. Rees
J. B. Hawley	W. H. Robertson
M. L. Hayward	Josiah Rogers
J. P. Henry	J. H. Sauls
B. J. Hinman	Geo. S. Sheard
M. R. Howell	Geo. D. Smith
L. E. Hunter	W. H. Starns
Alfred	R. F. Stevenson
S. M. Kirkpatrick	John S. Thompson
Amos Laird	L. B. Thorne
Charles L. Landon	Jacob Valley sr
Frank Martin	L. H. Van Dyck
Am. Matthews	Charles F. Walters
Samuel May Jr	A. M. Walling
John M. Pherson	T. H. Warrington
W. H. W. Wain	A. J. Weaver
J. H. Peery	W. W. Wiley
W. R. Peery	J. F. Zediker
B. P. Powell	
	L. S. Wether
	Ort. Wether

Attest:
 my hand
 this 1st day of
 Dec 1861