

CONSTITUTIONAL CONVENTION

List of Suggestions for Constitutional
Change

TOGETHER WITH

Texts of Constitutions of Illinois



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LEGISLATIVE REFERENCE BUREAU

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INTRODUCTION

This pamphlet does two things:

(a) It presents a list of suggestions likely to be made for constitutional change, arranged by articles and sections of the Constitution of 1870.

(b) It gives the full text of the Constitution of 1870 and groups under each section of that constitution, the related provisions of the Constitutions of 1818 and 1848 and of the rejected Constitution of 1862.

The list of suggestions likely to come before the Constitutional Convention of 1920 is purely tentative, and seeks merely to gather together the proposals of change which have been suggested from various sources. Listing a suggestion implies no judgment regarding the proposal, and suggestions are listed even though they relate to matters which may now be accomplished by legislative action without the necessity for constitutional change. Upon each of the subjects listed, data will be gathered and published in other pamphlets. Where no changes have been suggested from any source, the words "No change suggested" have been used. Where a subject is dealt with in several parts of the constitution, cross references are given, so that all germane provisions may be easily found. Decisions of the Supreme Court of Illinois are referred to when the suggestions can be understood only by consulting such a decision. It should be noted that many of the suggestions included in this list relate to the omission of matters from the present constitution.

It is thought that it will be useful to have the text of the Constitution of 1870 printed in close relationship to the germane provisions of the earlier constitutions, and the rejected Constitution of 1862 has been included in this arrangement because of the fact that the rejected constitution is similar, in many respects, to that adopted in 1870. Provisions in the earlier constitutions have, in some cases, been repeated under several sections of the Constitution of 1870, where such provisions relate to matters dealt with under different sections of the present constitution. Details of apportionment in the earlier constitutions have been placed in an appendix, because they bear no close relationship to the provisions of the Constitution of 1870. In an appendix, also, have been placed the provisions of the earlier constitutional documents for which there are no parallel provisions in the Constitution of 1870. The body of the pamphlet thus gives the Constitution of 1870, together with all similar provisions in earlier documents, and the body of the pamphlet, together with the appendices, give the full text of all of these documents. A carefully prepared index to the Constitution of 1870 is also printed in this pamphlet.

LEGISLATIVE REFERENCE BUREAU

October, 1919

Springfield, Illinois

**SUGGESTIONS LIKELY TO BE MADE FOR
CONSTITUTIONAL CHANGE, ARRANGED BY ARTICLES
AND SECTIONS OF THE CONSTITUTION OF 1870**

PREAMBLE.

No change suggested.

ARTICLE I—BOUNDARIES.

No change suggested.

ARTICLE II—BILL OF RIGHTS.

- Art. II, Sec. 1. No change suggested.
- Art. II, Sec. 2. Duplicates limitation upon states in Fourteenth Amendment of United States Constitution. For that reason omission may be suggested. See also Art. II, Sec. 14; Art. IV, Sec. 22.
- Art. II, Sec. 3. See also Art. VIII, Sec. 3. Change may be suggested because recent decision of Supreme Court permits county wards to be placed in denominational institutions. See *Trost v. Ketteller Manual Training School*, 282 Ill. 504.
- Art. II, Sec. 4. No change suggested.
- Art. II, Sec. 5. See also Article II, Sec. 9 and 13; Art. XI, Sec. 14. Suggestions:
- (a) For less than unanimous verdict in civil cases;
 - (b) For jury trial in civil cases only upon demand of parties;
 - (c) For omission of words "as heretofore enjoyed";
 - (d) Trial by jury in injunction cases.
- Art. II, Sec. 6. No change suggested.
- Art. II, Sec. 7. No change suggested.
- Art. II, Sec. 8. Suggestions:
- (a) That Constitution provide for use of information except when judge desires a grand jury;
 - (b) That General Assembly be permitted to do away with use of grand jury in such classes of cases as it deems wise.
- Art. II, Sec. 9. Suggestions:
- (a) Less than unanimous jury in non-capital cases;
 - (b) Permitting waiver of jury trial in cases of felony. See *Paulsen v. People*, 195 Ill. 507 (1902).
 - (c) Permitting the State to request a change of venue in criminal cases.

- Art. II, Sec. 10. Suggestion that comment be permitted upon failure of accused to testify in his own behalf.
- Art. II, Sec. 11. Suggestion that capital punishment be abolished by constitutional provision.
- Art. II, Sec. 12. No change suggested.
- Art. II, Sec. 13. See also Art. II, Sec. 5; Art. IV, Sec. 30, 31; Art. XI, Sec. 14. Suggestions:
- (a) That eminent domain provisions of constitution be grouped together;
 - (b) That other methods of ascertaining compensation than by jury be permitted;
 - (c) That constitution be altered to meet situation raised by case of *South Park Commissioners vs. Montgomery Ward & Co.*, 248 Ill. 299 (1911);
 - (d) That excess condemnation be permitted;
 - (e) That the term "public use" be enlarged to permit eminent domain for preserving public improvements, for housing projects, etc. For earlier enlargements of term see Art. IV, Sec. 30, 31.
- Art. II, Sec. 14. Prohibitions with respect to *ex post facto* laws and laws impairing the obligation of contracts duplicate limitations in United States Constitution upon the states. See also Art. II, Sec. 2.
- Art. II, Sec. 15. No change suggested. See Art. XII.
- Art. II, Sec. 16. No change suggested. See Art. XII.
- Art. II, Sec. 17. No change suggested.
- Art. II, Sec. 18. No change suggested. See Art. VII.
- Art. II, Sec. 19. No change suggested.
- Art. II, Sec. 20. No change suggested.

ARTICLE III—DISTRIBUTION OF POWERS.

- Art. III, No change suggested. Article is so worded as not to require change, even though present constitutional distribution of powers be altered.

ARTICLE IV—LEGISLATIVE DEPARTMENT.

- Art. IV, Sec. 1. Suggestions.
- (a) Single chambered legislature.
 - (b) Initiative and Referendum;
 - (c) Proportional representation for election of one or both houses.
- Art. IV, Sec. 2. No change suggested, unless dates be altered.

- Art. IV, Sec. 3. Suggestions will be made that to bring cooperation between the executive and the legislature, Governor be permitted to appoint members of General Assembly as heads of executive departments. See also Art. IV, Sec. 15.
- Art. IV, Sec. 4. No change suggested.
- Art. IV, Sec. 5. No change suggested.
- Art. IV, Secs. 6, 7, 8. Suggestions:
- (a) Limitation of Cook County representation;
 - (b) Abolition of cumulative voting. See also Art. XI, Sec. 3;
 - (c) Exception of primary elections from operation of cumulative voting;
 - (d) Single districts for election of house of representatives;
 - (e) Proportional representation.
- Art. IV, Sec. 9. Suggestions:
- (a) Limitation of session;
 - (b) Recess after brief period for introduction of bills;
 - (c) For office of Lieutenant Governor. See Art. V, Secs. 1, 3, 5, 17-19.
- Art. IV, Sec. 10. No change suggested.
- Art. IV, Sec. 11. Modification necessary if initiative and referendum adopted.
- Art. IV, Sec. 12. No change suggested.
- Art. IV, Sec. 13. Suggestions:
- (a) Three Readings at large: Not now observed and not necessary.
 - (b) Printing before Final Passage: Largely disregarded until 1915. Now merely a matter of formal journal entry.
 - (c) Not more than one subject expressed in title: Useful and has made little difficulty.
 - (d) Amendment by reference: As now interpreted, provides a difficult rule with little real advantage.
 - (e) Time of Taking Effect of Laws: Produces now a three-months period in which laws are in force but their text not available.
- Art. IV, Sec. 14. No change suggested.
- Art. IV, Sec. 15. See comment under Art. IV, Sec. 3. Suggestions:
- (a) As interpreted by Supreme Court in *Fergus v. Russel*, 270 Ill. 304 (1915) may be construed to prevent recess commissions;
 - (b) Provisions regarding interest in contracts may also be found in Art. IV, Sec. 25 and Art. VIII, Sec. 4.

These provisions should be brought together and so worded as to include all officers and employes of the state.

Art. IV, Sec. 16. Suggestions:

(a) Appropriations in Private Law. See decision in *Fergus v. Russel*, 277 Ill. 20 (1917). This provision should be considered in relation to that in Article IV, Sec. 26, prohibiting suits against the State.

(b) Separate Bill for salaries of Officers. Should be read with Art. V, Sec. 24. Intended to prevent riders on appropriation bills, but does not do this, and forces appropriations for each office into two artificial parts. *Fergus v. Russel*, 270 Ill. 304.

Art. IV, Sec. 17. No change suggested.

Art. IV, Sec. 18. Suggestions:

(a) With present length of legislative session, seems to require a two years and three months period, with overlapping three months for appropriations. This is an unsatisfactory arrangement which is partially met by laws of 1919, page 951, Sec. 25;

(b) Popular vote should be considered with that of Art. IV, Sec. 33; Art. XI, Sec. 5; Art. XIV, Sec. 1, 2; and separate Section on Canals.

(c) Increase of amount authorized to meet casual deficits.

Art. IV, Sec. 19. Confusion as to what is "express authority of law." *Fergus v. Brady*, 277 Ill. 272.

Art. IV, Sec. 20. See separate section on canals. No change suggested.

Art. IV, Sec. 21. Suggestions:

(a) As to increasing compensation, one clause should replace provisions now repeated in Art. IV, Sec. 21, 22, clause 20; Art. V, Sec. 23; Art. VI, Sec. 7, 16, 25; Art. IX, Sec. 11; Art. X, Sec. 10. See also Art. IV, Sec. 19.

(b) Permission for weekly mileage will be suggested.

(c) Additional compensation for Speaker of House of Representatives will also be suggested.

Art. IV Sec. 22. See also Art. IV, Sec. 16; Art. VI, Secs. 21, 29; Art. IX, Sec. 3; Art. X, Secs. 5, 11; Art. XI, Sec. 1; Suggestions.

(a) Limitations upon special legislation are now scattered throughout the Constitution and some effort should be made to bring them together;

(b) The provision here as to "special and exclusive privileges, immunities or franchises" duplicates the Federal guarantee of "equal protection of the laws" and is prob-

ably even broader as interpreted by the Illinois Supreme Court; See comment under Art. II, Sec. 2.

(c) The plan may be suggested of substituting the Michigan scheme for control of special legislation. The Michigan scheme involves a determination by the court as to when a general law can be made applicable, and a local referendum upon any special law of local application.

Art. IV, Sec. 23. No change suggested.

Art. IV, Sec. 24. See also Art. V, Sec. 15, and Art. VI, Sec. 30. Suggestions:

(a) The recall of officers may be suggested.

(b) An enlarged executive power of removal will be suggested, although if the short ballot is adopted this would bring such enlarged executive power automatically.

Art. IV, Sec. 25. Suggestions:

(a) Provision regarding fuel, stationery, etc., has been of little value and its omission will be suggested;

(b) As to interest in contracts, provisions should be brought together. See Art. IV, Sec. 15.

Art. IV, Sec. 26. Has not worked satisfactorily, and effort may be made to permit State to be sued in its own courts, or to provide some other method of enforcing claims against the State.

Art. IV, Sec. 27. No change suggested.

Art. IV, Sec. 28. No change suggested.

Art. IV, Sec. 29. See Separate Section on Convict Labor adopted 1886, and proposed amendment which failed in 1894. This section theoretically stands as an enlargement of the legislative power, but actually is construed as a limitation. An effort will be made to put in additional provisions regarding labor legislation, including representation of employes in the management of industries, minimum wage, and workmen's insurance.

Art. IV, Sec. 30. A grant of power for the purpose of overcoming an earlier judicial decision. Should be read with Art. II, Sec. 13.

Art. IV, Sec. 31. As amended, 1878, because of judicial decision denying power to use special assessments for drainage purposes. Unnecessary if special assessment provision is enlarged and if nothing is done elsewhere to deny powers expressed. See Art. IX, Sec. 9.

Art. IV, Sec. 32. No change suggested.

Art. IV, Sec. 33. Partly obsolete provision regarding popular vote should be harmonized with other provisions in con-

stitution regarding state-wide popular votes. See comment under Art. IV, Sec. 18.

Art. IV, Sec. 34. Suggestions:

(a) If no other change takes place, effort will be made so to alter this clause as to make sure that all local legislation with reference to Chicago is to be voted upon. An act of the 51st General Assembly regarding salaries of officers and employes of the Municipal Court is held by the Attorney General to be proper, although it contains no referendum clause;

(b) Provisions in Section 34 for a court have been construed by the Supreme Court with reference to Article VI, Sec. 1, so as to create some possible difficulty;

(c) A consolidated city and county government for Chicago, either within its present limits or within extended limits, will be suggested;

(d) Municipal home rule for all cities will be suggested;

(e) Provision either here or under Art. VI, permitting a consolidated metropolitan court for Chicago or for a metropolitan district will be suggested;

(f) Any home rule provision for Chicago or other cities will be considered also with respect to Article XI, Sec. 4 as now interpreted.

ARTICLE V—EXECUTIVE DEPARTMENT.

Art. V, Sec. 1. Suggestions:

(a) An effort will be made to put a detailed state administrative organization into the constitution;

(b) An effort will be made to reduce the number of elective state officers and to establish a short ballot; This principle now applies to vacancies. See Art. V, Sec. 20.

(c) Under *Fergus v. Russel*, 270 Ill. 304 (1915) the phrase "and shall perform such duties as may be prescribed by law" is held to confer direct authority upon the Attorney General.

(d) Reference to the chief state executive officers appear in the constitution, as follows:

Governor: Art. IV, Secs. 2, 9, 15, 24, 25; Art. V, Secs. 1, 2, 3, 5, 6-16, 19-21; Art. VI, Secs. 28, 29, 31, 32.

Lieutenant Governor: Art. IV, Sec. 9; Art. V, Secs. 1, 3, 5, 17-19.

Secretary of State: Art. IV, Secs. 3, 9; Art. V, Secs. 1, 3, 5, 20, 22.

Auditor of Public Accounts; Art. IV, Secs. 17, 21; Art. V, Secs. 1, 3, 5, 20.

Treasurer: Art. V, Secs. 1, 2, 3, 5, 20.

Superintendent of Public Instruction: Art V, Secs. 1, 3, 5, 20.

Attorney General: Art. IV, Sec. 3; Art. V, Secs. 1, 3, 5, 20.

- Art. V, Sec. 2. Suggestion as to short ballot.
- Art. V, Sec. 3. Suggestion as to short ballot.
- Art. V, Sec. 4. In at least one case (that of Governor Deneen's second term) trouble has been made through having the General Assembly as the canvassing body.
- Art. V, Sec. 5. Suggestion as to short ballot.
- Art. V, Sec. 6. No change suggested, except that other changes may put greater meaning into the principle here stated.
- Art. V, Sec. 7. Effort will be made to put a detailed budget provision in the constitution, such as that in Maryland, Massachusetts and West Virginia.
- Art. V, Sec. 8. Plan will be suggested of permitting Governor to name other business after General Assembly has once convened in special session. Under present system Governor must issue proclamation for a new extra session, as has been done once or twice in this state.
- Art. V, Sec. 9. No change suggested.
- Art. V, Sec. 10. Suggestions:
- (a) Doing away with Senate confirmation;
 - (b) Recognition of principle of civil service.
- Art. V, Sec. 11. Suggestions:
- (a) This clause is tied up with Sec. 10, and changes, if any, made in Section 10 will affect it;
 - (b) This provision applies now to offices not elective, although Art. V, Sec. 20 does provide for appointment in several cases to fill vacancies in elective offices;
 - (c) A suggestion will be made to enlarge this clause so as to permit appointments in case of vacancies in elective executive offices (other than those in Art. V, Sec. 20); and also so as to permit appointments to fill vacancies in judicial offices, by the modification of Article VI, Sec. 32.
- Art. V, Sec. 12. No change suggested. As now interpreted by the case of *Wilcox v. People*, 90 Ill. 186, the Governor's power of removal is complete. Of course increasing the appointing power of the Governor will increase just to that extent his power of removal.
- Art. V, Sec. 13. No change suggested.
- Art. V, Sec. 14. No change suggested. See Art. XII.

Art. V, Sec. 15. See also Art. VI, Sec. 30 and Art. IV, Sec. 24. Increasing the Governor's appointing power will of course reduce the number of cases in which impeachment is likely to be employed, if the Governor's power of removal remains unchanged.

Art. V, Sec. 16. Suggestions:

(a) The interpretation of the word "item" has caused a little difficulty, although this difficulty may be cleared up by the case of *Mitchell v. Lowden*, 288 Ill. 327.

(b) An effort will be made to extend the veto power to parts of items. See *Fergus v. Russel*, 270 Ill. 304;

(c) An effort will be made to establish in the constitution a budget system such as that of Maryland, Massachusetts and West Virginia, denying to the General Assembly power to increase items in estimates presented by the Governor. In this connection an effort may be made to abolish the Governor's veto power over items of appropriation. See also Art. V, Sec. 7.

(d) An effort will be made to permit the Governor to propose laws to the General Assembly and to suggest amendments instead of vetoing, without the present cumbersome machinery with respect to overcoming a veto;

(e) Some effort may be made to organize a closer relationship between the Governor and the General Assembly. In recent years the Governor's veto power has usually been absolute, because most vetoes come after the final recess of the General Assembly. An effort in this connection may be made to bring about a closer co-ordination between the General Assembly and the Governor by permitting the appointment of legislative leaders to executive positions, and by permitting executive officers to have seats in the legislature. See Art. IV, Sec. 3 and 15;

(f) An effort will be made to extend the period within which the Governor may exercise the veto power, especially at the end of the session.

Art. V, Secs. 17-19. For office of Lieutenant Governor, see also Art. IV, Sec. 9; Art. V, Secs. 1, 3, 5.

Art. V, Sec. 20. Effort will be made to extend the appointing power as to these offices, or some of them, so that it will apply to original appointments as well as to vacancies, applying principle of the short ballot.

Art. V, Sec. 21. A power in the Governor to require information in writing is useless as a power to be exercised against other elective state officers. As to reports of judges, see Art. VI, Sec. 31.

Art. V, Sec. 22. No change suggested.

Art. V, Sec. 23. Suggestions:

(a) Provisions about increase and diminution of salaries should be put in one place. See Art. IV, Sec. 21;

(b) Query as to meaning of words, "shall be paid in advance into the State treasury".

Art. V, Sec. 24. Definition of "office" has made trouble, particularly with reference to the use of the same term in Art. IV, Sec. 16. The definition has not been made clearer by the Supreme Court, and such definitions should be avoided in future.

Art. V, Sec. 25. No change suggested.

ARTICLE VI—JUDICIAL DEPARTMENT.

Art. VI, Sec. 1. Suggestions:

(a) Omission of reference to any other court than the Supreme Court, with a power in the General Assembly to create inferior courts;

(b) Unified judicial system, with authority in the General Assembly to organize and to provide central supervision over whole organization;

(c) Power in court to establish the system of practice by judicial rules;

(d) Provision for temporary appointment of judges to fill vacancies;

(e) Constitutional provisions for avoidance of numerous appeals in same suit;

(f) Provision for advisory opinions.

Art. VI, Sec. 2. Suggestion will be made of requiring extraordinary majority to declare that a law is unconstitutional.

Art. VI, Sec. 3. No change suggested.

Art. VI, Sec. 4. Obsolete.

Art. VI, Sec. 5. Suggestions:

(a) New apportionment will be suggested, either through the planning of 7 new districts, or through permitting two or more judges from a single district including Chicago and Cook County;

(b) Permitting change of boundaries "at the session of the General Assembly next preceding the election of judges therein" makes trouble in view of the fact that all judges are not elected at the same time. This trouble is partly met by decision of the Supreme Court;

(c) Questions as to meaning of words "as nearly as county boundaries will allow". Some people have taken the view that this does not permit the setting up of one county as a separate district.

Art. VI, Sec. 6. Suggestions:

(a) A good part of this section is now obsolete;

(b) The suggestion will be made for the extension of the term of office;

(c) A suggestion will be made for some other method of choosing the Chief Justice.

Art. VI, Sec. 7. Provision regarding increase or diminution of salary is repeated in various parts of the constitution. See also Art. IV, Sec. 21. The minimum salary should of course be changed in the new constitution.

Art. VI, Sec. 8. Obsolete.

Art. VI, Sec. 9. No change suggested.

Art. VI, Sec. 10. Appointment of clerk by the court will be suggested.

Art. VI, Sec. 11. Suggestions:

(a) For omission of reference to Appellate Court if plan suggested under Article VI, Sec. 1 (a) is carried out;

(b) For change in selection of Appellate Court Judges, if Appellate Court is to be provided for in detail;

(c) Clarify the language as to jurisdiction.

Art. VI, Sec. 12. Plan suggested under Art. VI, Sec. 1 (a) would omit all reference to circuit courts.

Art. VI, Sec. 13. Suggestions:

(a) The Constitution of 1870 provides two alternatives, that of Section 13 and that of Section 15, the General Assembly having adopted the plan of employing larger circuits with three judges each. If the suggestion under Art. VI, Sec. 1 (a) is carried out, both of these sections would be omitted;

(b) The suggestion will be made of organizing the judicial work of the state into county units, with a consolidation of county and probate jurisdictions with those of the present circuit courts (see Art. VI, Secs. 18-20), with more than one judge for each county whose business warrants. Such a plan would make necessary some readjustment with reference to Appellate Court Judges.

Art. VI, Sec. 14. Omission of some of this matter will be suggested.

Art. VI, Sec. 15. See discussion under Section 13 above.

Art. VI, Sec. 16. Suggestions:

(a) Increase and reduction of salary. See comment under Art. IV, Sec. 21;

(b) A good deal of the matter here would be omitted, if the plan suggested under Art. VI, Sec. 1 (a) is adopted.

(c) If this is retained the salary minimum should be changed.

- Art. VI, Sec. 17. Transfer provision regarding membership in the "Board of County Commissioners" to a more appropriate place. As to this provision, see the difficulty made by *People ex rel. Hoyne v. McCormick*, 261 Ill. 413.
- Art. VI, Sec. 18. Suggestions:
- (a) This would be omitted if plan suggested under Article VI, Sec. 1 (a) is adopted. See also Art. VI, Sec. 13;
 - (b) If provision as to county courts is retained, query as to whether term of judge should be different from that of circuit judge;
 - (c) Relation of county court in probate matters to circuit court.
- Art. VI, Sec. 19. This would be omitted if plan suggested under Article VI, Sec. 1 (a) is adopted.
- Art. VI, Sec. 20. Suggestions:
- (a) This would be omitted if plan suggested under Art. VI, Sec. 1 (a) is adopted. See also Art. VI, Sec. 13.
 - (b) Jurisdiction in matters of testamentary trusts;
 - (c) Jurisdiction in construction of wills.
- Art. VI, Sec. 21. Suggestions:
- (a) This would be omitted if plan suggested under Art. VI, Sec. 1 (a) is adopted.
 - (b) Uniform jurisdiction of justices of the peace and police magistrates prevents abolition of jurisdiction of justices in urban communities. If authorization for city courts is to remain in Art. VI, sec. 1, there should be a further provision that in creating courts for larger cities, jurisdiction of justices of the peace may be superseded.
 - (c) Abolition of fee system for justices of the peace and police magistrates.
- Art. VI, Sec. 22. Suggestions:
- (a) Omitting requirement of state's attorney for each county;
 - (b) Creation of office of public defender may be suggested.
 - (c) Change may be necessary if provision is made for consolidated city and county of Chicago. See comment under Art. IV, Sec. 34.
- Art. VI, Secs. 23 to 28. Suggestions:
- (a) Under plan indicated under Article VI, Sec. 1 (a) all of these sections would be omitted;
 - (b) If these sections remain, provision regarding compensation in Art. VI, Sec. 25, should be placed with other provisions of this type. (See Art. IV, Sec. 21);
 - (c) Provision will be suggested for single consolidated court. See Art. IV, Sec. 34.

(d) If detailed provision remains for Cook County courts, Sec. 28 and parts of several other sections are now obsolete. The jurisdiction of justices of the peace in urban territories around Chicago will probably receive consideration.

Art. VI, Sec. 29. Suggestions:

(a) The provision that "all laws relating to courts shall be general and of uniform operation" will make trouble as to consolidated jurisdiction in Chicago, and also as to consolidated jurisdiction desired in other cities when they present judicial problems similar to that of Chicago. The same situation presents itself also with respect to the similar provision in Article VI, Sec. 21. Both of these provisions should be considered in relation to the present Article IV, Sec. 34 and exception possibly made from the rule as to uniformity of jurisdiction, subject to a local referendum in the communities affected.

(b) Permitting special jurisdiction such as that now exercised over appeals from the Public Utilities Commission.

Art. VI, Sec. 30. Suggestions:

(a) The method of removal here dealt with should be considered with reference to impeachment provided for by Art. IV, Sec. 24 and Art. V, Sec. 15;

(b) A simpler method for the removal of judges has recently been provided for in Massachusetts;

(c) As to other than judicial officers, query whether there may not at some time be desirability of providing for removal of State's Attorneys and others by executive action (as is now provided for sheriffs by statute in this state sustained by judicial decision) and as is provided in some other states.

Art. VI, Sec. 31. Suggestions:

(a) The part of this section relating to the reporting of defects and omissions in the laws has proven useless, and has substantially never been acted upon by the judges. With respect to an opinion of the Supreme Court rendered to Governor Deneen under this section, see Correspondence of Governor and Judges, 243 Ill. 9. See also Art. V, Sec. 21.

(b) Unless some means is found of enforcing it, the requirement that judges of the several circuits shall report the number of days they have held court is also useless.

Art. VI, Sec. 32. Suggestions:

(a) Query as to omitting a good part of this section, if plan suggested under Article VI, Sec. 1 (a) is adopted;

(b) Query as to four year limit which here applies to probate judges as well as to administrative officers;

(c) Query as to plan of requiring election to fill vacancies in such offices. See Art. V, Sec. 11.

Art. VI, Sec. 33. The sentence as to population may well be made generally applicable to other articles of the constitution.

ARTICLE VII—SUFFRAGE

Art. VII, Sec. 1. Suggestions:
 (a) Strike out word "male" or expressly include women.

(b) Penalizing failure to vote.

Art. VII, Sec. 2. No change suggested.

Art. VII, Sec. 3. No change suggested.

Art. VII, Sec. 4. Specific provision as to absent voting.

Art. VII, Sec. 5. No change suggested. •

Art. VII, Sec. 6. See implication from this language in *People ex rel. Hoyne v. McCormick*, 261 Ill. 413.

Art. VII, Sec. 7. This section acts as a limitation, prohibiting exclusion from right to vote upon other grounds.

ARTICLE VIII—EDUCATION

Art. VIII, Sec. 1. No change suggested.

Art. VIII, Sec. 2. Constitutional recognition of University of Illinois will be suggested.

Art. VIII, Sec. 3. See comment under Art. II, Sec. 3. Effort will be made either here or under Art. II, Sec. 3 to prevent use of money as is now permitted under decisions of the Supreme Court. See *Trost v. Ketteler Manual Training School*, 282 Ill. 504.

Art. VIII, Sec. 4. See Art. IV, Sec. 15. Provisions regarding interest in contracts should be inserted in one place and should apply to all officers and employes of the State.

Art. VIII, Sec. 5. Suggestions:

(a) If plans are adopted for a consolidated city and county, provision should be made by exception for the exercise of all powers with respect to schools by a single officer, who under the city organization would be appointive. See Art. IV, Sec. 34.

(b) An effort will be made so to change the constitution as to permit the choice of county superintendent otherwise than by popular vote.

ARTICLE IX—REVENUE

- Art. IX, Sec. 1. See also Secs. 3 and 9. Suggestions:
- (a) Classification of personal property, as provided by rejected amendment of 1916;
 - (b) Classification of all property;
 - (c) Omission of detail as to tax system, permitting all types of taxes;
 - (d) Express permission for income taxes, special taxation of mines, etc;
 - (e) Permission for special treatment by taxation of unimproved property as distinguished from improved property.
- Art. IX, Sec. 2. No change suggested, although saving clause of this sort unnecessary if Art. IX, Sec. 1 is simplified.
- Art. IX, Sec. 3. Suggestions:
- (a) There may be an effort to permit broader exemptions as to property owned by educational and religious institutions. The present exemption clause is of course now construed to prevent any evasion of the rule as to uniformity laid down in Sections 1 and 9.
 - (b) An effort may be made to permit the exemption of a small amount of personal property.
 - (c) Proposal to exempt bonds of the state and of municipalities from state and local taxation.
- Art. IX, Sec. 4. This section now requires public tax sales and prevents plans which might be employed to do away with the so-called "tax sharks." Possible changes will therefore require consideration.
- Art. IX, Sec. 5. Should be studied with reference to what is said above as to Section 4.
- Art. IX, Sec. 6. No change suggested.
- Art. IX, Sec. 7. No change suggested.
- Art. IX, Sec. 8. No change suggested, although all matters of local indebtedness should be studied together. See Art. IX, Sec. 12.
- Art. IX, Sec. 9. Suggestions:
- (a) Term "Local improvements" now prevents application of this section to joint improvements by several adjacent municipalities;
 - (b) Use of first "or" in "by special assessment *or* by special taxation of contiguous property or otherwise" prevents combination of special assessments and special taxation;
 - (c) Special assessments are limited by the constitution to cities, towns and villages, and this limitation made necessary the constitutional amendment of 1878 as

to drainage purposes. See Article IV, Sec. 31. The Supreme Court has also extended the use of special assessments to park districts by the case of *Van Nada v. Goedde*, 263 Ill. 105;

(d) The rule as to uniformity of taxation in cities, towns and villages should be altered if any change in this respect is made in Article IX, Sec. 1.

(e) In connection with consolidation of Cook County governments, it may be desirable to permit different rates of taxes within the same jurisdiction.

Art. IX, Sec. 10. The question as to what constitutes "corporate purposes" has led to a good deal of adjudication, and one of the latest cases is that of *People ex rel. County of Franklin v. County of Williamson*, 286 Ill. 44 (1919).

Art. IX, Sec. 11. No change suggested, except that provision regarding increase or diminution of salaries be co-ordinated with those referred to in Art. IV, Sec. 21.

Art. IX, Sec. 12. See also separate section on municipal subscriptions. Suggestions:

(a) The provision basing debt on assessed valuation permits a shifting of the assessment basis;

(b) The debt limit has had the primary effect of forcing the creation of new municipal corporations within territory where the existing municipal corporations were already up to their constitutional debt limits. Blanket debt limitations for each area have been adopted in a few constitutions, that is, provisions that the total debt limits over any territory shall not exceed a fixed percentage;

(c) An effort will be made to adopt in Illinois a plan which has now been adopted in a number of other states, of exempting from municipal debt limits, investments for public utilities and other income producing enterprises.

Art. IX, Sec. 13. Obsolete.

ARTICLE X—COUNTIES

Art. X, Sec. 1. If a consolidated county within the present limits of the city of Chicago is proposed, or a county even with broader limits, some change will be necessary in the provisions regarding the area of counties and regarding the distance of county lines from county seats. See Art. IV, Sec. 34.

Art. X, Sec. 2. Some adjustment here may also have to be made if a proposed smaller county is established for the metropolitan area of Chicago, although local referenda should continue to be necessary for such a plan.

Art. X, Sec. 3. Some readjustment may be necessary here also, if Chicago is to be set up as a separate county.

Art. X, Sec. 4. The detailed provisions here prevent further limitations, such as requiring a guarantee of a community seeking a county seat.

Art. X, Sec. 5. Suggestions:

(a) There should be uniformity of language as to the popular votes required for the adoption and abolition of the township system;

(b) Sections 5, 6 and 7 of this Article determine conclusively the types of county organization within the state. The township system has been largely outgrown, at least as it is now organized, and the town meeting has in many cases become a farce. In view of this, the question presents itself as to whether greater power with respect to county organization should not be left to the General Assembly, subject perhaps to local referendum.

Art. X, Sec. 6. The statement made above under Section 5 applies here. If an option between two systems is to be retained, some greater flexibility in these systems should be provided, although a flexibility in the township system may now be provided by legislation. Under this section annual elections are now necessary.

Art. X, Sec. 7. Suggestions:

(a) Consolidated county and city within possible present limits of the city of Chicago;

(b) New counties to be constructed out of areas not within a consolidated city and county, or territory not within consolidated area to be annexed to other counties;

(c) Change of present 10 to 5 ratio as between city and county;

(d) Qualifications of Board of County Commissioners; See Art. VI, Sec. 17 and People *ex rel.* Hoyne v. McCormick, 261 Ill. 413. The qualification of County Commissioners should be placed in connection with county government rather than as a part of the judicial organization.

Art. X, Sec. 8. Suggestions:

(a) Permit short ballot for county government;

(b) Consolidated city-county for Chicago with single set of officers;

(c) Possible longer term for county judge;

(d) Greater legislative power over office of Sheriff than that now permitted by the case of Dahnke v. People, 168 Ill. 102. But see People v. Nellis, 249 Ill. 12;

(e) Omission of coroner from county officers provided for by the constitution. See also reference to coroner in Art. X, Sec. 9.

- Art. X, Sec. 9. Suggestions:
 (a) Short ballot;
 (b) Consolidated city and county for Chicago;
 (c) Relieving judges of nonjudicial functions;
 (d) Permitting Cook County Board to fix salaries of officers, as in other counties.
- Art. X, Sec. 10. Suggestions:
 (a) Provision regarding increase or diminution of compensation should be brought into one provision. See Article IV, Sec. 21;
 (b) Re-examine carefully the classification of counties as a basis for salaries. See authorization for classification in Art. X, Sec. 13.
- Art. X, Sec. 11. Partly obsolete.
- Art. X, Sec. 12. Part obsolete. As to classification of counties see also Art. X, Sec. 10.
- Art. X, Sec. 13. No change suggested, but inquiry should be made to see how effectively this provision has been observed.

ARTICLE XI—CORPORATIONS

- Art. XI, Sec. 1. Co-ordinate provision regarding special legislation with those of Art. IV, Sec. 22.
- Art. XI, Sec. 2. Obsolete.
- Art. XI, Sec. 3.
 (a) Provisions here probably unnecessary. For cumulative voting for representatives see Art. IV, Sec. 7-8.
 (b) Provision by which different method of voting may be employed in co-operative corporations.
- Art. XI, Sec. 4. Should be considered in connection with suggestions under Art. IV, Sec. 34. The provisions of this section now have little meaning, through recent decisions of the Supreme Court regarding the powers of the Public Utilities Commission.
- Art. XI, Sec. 5. Suggestions:
 (a) Permitting of farm loans;
 (b) Abolition of requirement of popular vote to enact or amend banking legislation;
 (c) Consideration of popular vote here required with popular votes provided for elsewhere in the Constitution. See comment under Art. IV, Sec. 18.
- Art. XI, Sec. 6. No change suggested.
- Art. XI, Sec. 7. First part obsolete; second part, no change suggested.

Art. XI, Sec. 8. Obsolete.

Art. XI, Secs. 9-15. Specifies no powers not otherwise possessed. Part of Section 14 duplicates a part of Art. II, Sec. 13. A general provision requiring the General Assembly to pass laws for the regulation of railroads and other public service corporations may be desirable, but the detail here is unnecessary.

ARTICLE XII—MILITIA

Art. XII, Secs. 1-6. See also Art. II, Secs. 5, 16; Art. V, Sec. 14. No change suggested.

ARTICLE XIII—WAREHOUSES

Art. XIII, Secs. 1-6. Useless and may prove troublesome in future, although it may be desirable to retain some general provisions and in such general provisions to include some of the matter now in the latter part of Section 6 and in Section 7. If the provisions of Art. XIII, Secs. 1-6, and of Art. XI, Sec. 9-13, are omitted, it may be wise to put in the Constitution a clause declaring that such omissions shall not be construed as reducing legislative power.

ARTICLE XIV—AMENDMENTS TO THE CONSTITUTION

Art. XIV, Sec. 1. Suggestions:

(a) Make phrase "two thirds of the members of each house" uniform with similar phrase in Art. XIV, Sec. 2;

(b) Make phrase "to the electors at the next general election" uniform with similar phrase to be employed in Art. XIV, Sec. 2, so as to avoid issue raised in case involving tax amendment of 1916. See *People v. Stevenson*, 281 Ill. 17.

(c) Alter phrase "in the same manner" so as to avoid difficulty of requiring election machinery at any given time to be used for nomination and election of delegates to convention;

(d) Reconsider provision as to qualifications of members of convention so as to see if it is desired to apply to delegates the same qualifications as those applicable to members of the General Assembly;

(e) Plan of providing for a popular vote at certain intervals upon the question of holding a constitutional convention.

Art. XIV, Sec. 2. Suggestions:

(a) Alter language as to majority required for adoption of amendments;

(b) Alter limitations upon proposal of amendments;

(c) Alter legislative majority for proposal of amendments;

(d) Proposal of popular initiative for constitutional amendments.

SEPARATE SECTIONS

Illinois Central Railroad. No changes suggested.

Municipal Subscriptions. See comment under Art. IX, Sec. 12.

Minority Representation. See comment under Art. IV, Secs. 7-8.

Canal. Query as to desirability of change here, in view of amendment of 1908 and of deep waterway project, and in view of possible other projects of this character.

Canal Section should be considered also with reference to Art. IV, Sec. 18, regarding popular majority required for the incurring of debts. Art. IV, Sec. 18 was the clause used for the \$60,000,000 bond issue for good roads.

Convict Labor. This was adopted in 1886 and should be considered with reference to the labor provision in Art. IV, Sec. 29, and also with the proposed amendment which failed in 1894.

SCHEDULE

Schedule. A fairly complete new schedule will of course be necessary, but the comments below indicate the points where changes are chiefly desired.

Of the Schedule, Secs. 4, 7 to 17 and 20 to 24 are obsolete.

Sections 1 to 3, 5, 6, 19, 25, and 26 will require some change, but not very material change.

Section 18 is a permanent provision and should not be in the schedule. For possible difficulty because of this provision, see *Stein v. Meyers*, 253 Ill. 199.

In revising Sec. 25, a specific date should be set for the new constitution to become effective.

SUGGESTED CHANGES, NOT CAPABLE OF CLASSIFICATION BY ARTICLE AND SECTION OF THE EXISTING CONSTITUTION.

- (a) An arrangement of the Constitution by consecutive Section numbers throughout;
- (b) Payment by the State to soldiers, according to the number of months they served during the war.
- (c) Powers regarding water power and conservation, and authority of state or its municipalities to engage in public work and other enterprises. See Art. IV, Sec. 18, 20; separate articles on municipal subscriptions and canals; and Art. IX, Sec. 12.
- (d) Proposals regarding farm tenancy.

CONSTITUTION OF THE STATE OF ILLINOIS.

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13TH, A. D. 1870¹

PREAMBLE

We, the people of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity; do ordain and establish this Constitution for the State of Illinois.

1818

The People of the Illinois Territory, having the right of admission into the general government as a member of the union, consistent with the Constitution of the United States, the Ordinance of Congress of 1787, and the Law of Congress "Approved April 18th, 1818," entitled "an act to enable the people of the Illinois Territory to form a Constitution and State Government, and for the admission of such state into the union on an equal footing with the original states and for other purposes," in order to establish justice, promote the welfare and secure the blessings of liberty to themselves and their posterity, Do by their representatives in convention, Ordain & Establish the following Constitution, or Form of Government, and do mutually agree with each other to form themselves into a free and independent state by the name of the State of Illinois. . . . (First paragraph.)

1848

We, the people of the State of Illinois—(grateful to Almighty God, for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations)—in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Illinois. (First paragraph.)

1862 (rejected)

We, the people of the state of Illinois, grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the state of Illinois. (Preamble.)

¹ Ratified by the people, July 2, 1870. In force, August 8, 1870. Amendments were adopted in 1878, 1880, 1884, 1886, 1890, 1904, and 1908.

ARTICLE I—BOUNDARIES

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the northwest corner of said State; thence east, with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river, and thence up the latter river along its northwestern shore to the place of beginning: *Provided*, that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

1818

. . . and they do hereby ratify the boundaries assigned to such state by the act of congress aforesaid, which are as follows to-wit:—Beginning at the mouth of the Wabash river; thence up the same and with the line of Indiana to the northwest corner of said state; thence east with the line of the same state to the middle of lake Michigan; thence north along the middle of said lake to north latitude forty two degrees and thirty minutes; thence west to the middle of the Mississippi river; and thence down along the middle of that river to its confluence with the Ohio river; and thence up the latter river, along its northwestern shore to the beginning. (First paragraph.)

1848

The boundaries and jurisdiction of the State shall be as follows, to wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the north-west corner of said state; thence east, with the line of the same state, to the middle of Lake Michigan; thence north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence, down along the middle of that river, to its confluence with the Ohio river; and thence up the latter river, along its northwestern shore, to the place of beginning.

Provided, that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this state, and the state of Kentucky. (Art. 1, Sec. 1.)

1862 (rejected)

The boundaries and jurisdiction of the state shall be as follows, to-wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the northwest corner of said state; thence east, with the line of the same state, to the middle of Lake Michigan; thence north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west, to the middle of the Mississippi river; and thence down along the middle of that river, to its confluence with the Ohio river; and thence up the latter river, along its northwestern shore, to the place of beginning; PROVIDED that this state shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this state and the state of Kentucky. (Art. 1.)

ARTICLE II—BILL OF RIGHTS

SECTION 1. All men 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 men, deriving their just powers from the consent of the governed.

1818

. . . all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, and of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. (Art. 8, Sec. 1.)

1848

. . . all men are born equally free and independent, and have certain inherent and indefeasible rights; among which are those of enjoying and defending life and liberty, and of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. (Art. 13, Sec. 1.)

1862 (rejected)

. . . we hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness, and of acquiring, possessing and protecting property; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. (Art. 2, Sec. 1.)

SECTION 2. No person shall be deprived of life, liberty or property, without due process of law.

1818

. . . no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers or the law of the land. . . . (Art. 8, Sec. 8.)

1848

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1862 (rejected)

. . . no freeman shall be imprisoned or disseized of his freehold, liberties or privileges, or outlawed, exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land. (Art. 2, Sec. 9.)

SECTION 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege

or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

1818

. . . all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship. (Art. 8, Sec. 3.)

. . . no religious test shall ever be required as a qualification to any office or public trust under this state. (Art. 8, Sec. 4.)

1848

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. . . no religious test shall ever be required as a qualification to any office of public trust under this state. (Art. 2, Sec. 4.)

SECTION 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

1818

. . . The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. (Art. 8, Sec. 22.)

. . . in prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right of determining both the law and the fact under the direction of the court as in other cases. (Art. 8, Sec. 23.)

1848

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1862 (rejected)

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in prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court, as in other cases. (Art. 2, Sec. 25.)

SECTION 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

1818

the right of the *trial by Jury* shall remain inviolate. (Art. 8, Sec. 6.)

1848

the right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy. (Art. 13, Sec. 6.)

1862 (rejected)

the right of trial by jury shall remain inviolate; and shall extend to all cases at law, without regard to the amount in controversy. (Art. 2, Sec. 6.)

a jury shall, in all cases, consist of twelve men, unless otherwise agreed by the parties; but the general assembly may provide for a jury of a less number, in civil cases before justices of the peace. (Art. 2, Sec. 7.)

SECTION 6 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 without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

1818

the people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places

without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. (Art. 8, Sec. 7.)

1848

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1862 (rejected)

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SECTION 7. All persons shall beailable, by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

1818

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1848

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1862 (rejected)

. . . all persons shall beailable by sufficient sureties, unless for capital offenses where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require it. (Art. 2, Sec. 14.)

SECTION 8. No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases 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: *Provided*, that the grand jury may be abolished by law in all cases.

1818

. . . no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval

forces, or the militia when in actual service, in time of war or public danger, by leave of the courts, for oppression or misdemeanour in office. (Art. 8, Sec. 10.)

1848

. . . no person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger. *Provided*, that justices of the peace shall try no person, except as a court of inquiry, for any offence punishable with imprisonment or death, or fine above one hundred dollars. (Art. 13, Sec. 10.)

1862 (rejected)

. . . all offenses, less than felony, and in which the punishment is by fine, or imprisonment otherwise than in the penitentiary shall be tried summarily before a court authorized by law to try the same, upon information under oath, without presentment or indictment of a grand jury, saving to the defendant, in all cases, the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment of a grand jury, except in cases of impeachment, or in cases arising in the army or navy or in the militia, when in actual service, in time of war or public danger. (Art. 2, Sec. 11.)

. . . the general assembly shall so provide that fifteen of the most competent of the permanent citizens of each county shall be summoned as a grand jury, twelve of whom must concur to find an indictment. (Art. 2, Sec. 29.)

SECTION 9. In all criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

1818

. . . in all criminal prosecutions, the accused hath a right to be heard by himself, and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favour:— and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage. . . . (Art. 8, Sec. 9.)

1848

. . . in all criminal prosecutions, the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the county or district wherein the offence shall be committed, which county or district shall have been previously ascertained by law. . . . (Art. 13, Sec. 9.)

1862 (rejected)

. . . in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed, which county or district shall have been previously ascertained by law. . . . (Art. 2, Sec. 10.)

SECTION 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

1818

. . . he [the accused in a criminal prosecution] shall not be compelled to give evidence against himself. (Art. 8, Sec. 9.)

. . . no person shall for the same offense be twice put in jeopardy of his life or limb. . . . (Art. 8, Sec. 11.)

1848

. . . he [the accused in a criminal prosecution] shall not be compelled to give evidence against himself. (Art. 13, Sec. 9.)

. . . no person shall, for the same offense, be twice put in jeopardy of his life or limb. . . . (Art. 13, Sec. 11.)

1862 (rejected)

. . . he [the accused in a criminal prosecution] shall not be compelled to give evidence against himself. (Art. 2, Sec. 10.)

. . . no person shall, for the same offense, be twice put in jeopardy. (Art. 2, Sec. 12.)

SECTION 11. 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 same.

1818

. . . all penalties shall be proportioned to the nature of the offense, the true design of all punishments being to reform, not to exterminate mankind. (Art. 8, Sec. 14.)

. . . no conviction shall work corruption of blood or forfeiture of estate. (Art. 8, Sec. 16.)

. . . no person shall be liable to be transported out of this state for any offense committed within the same. (Art. 8, Sec. 17.)

1848

. . . all penalties shall be proportioned to the nature of the offence, the true design of all punishment being to reform, not to exterminate mankind. (Art. 13, Sec. 14.)

. . . no conviction shall work corruption of blood or forfeiture of estate. (Art. 13, Sec. 17.)

. . . no person shall be liable to be transported out of this state for any offence committed within the same. (Art. 13, Sec. 18.)

1862 (rejected)

. . . all penalties shall be proportioned to the nature of the offense—the true design of all punishment being to reform, not to exterminate mankind. (Art. 2, Sec. 15.)

. . . no conviction shall work corruption of blood or forfeiture of estate. (Art. 2, Sec. 18.)

. . . no person shall be liable to be transported out of this state, for any offense committed within the same. (Art. 2, Sec. 19.)

SECTION 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

1818

. . . no person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law or in cases where there is strong presumption of fraud. (Art. 8, Sec. 15.)

1848

. . . no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud. (Art. 13, Sec. 15.)

1862 (rejected)

. . . no person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud. (Art. 2, Sec. 16.)

SECTION 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

1818

. . . nor shall any man's property be taken or applied to public use without the consent of his representatives in the general assembly, nor without just compensation being made to him. (Art. 8, Sec. 11.)

1848

. . . nor shall any man's property be taken or applied to public use, without the consent of his representatives in the General Assembly, nor without just compensation being made to him. (Art. 13, Sec. 11.)

1862 (rejected)

. . . private property shall ever be held inviolate, but subservient to the public welfare. When the same shall be taken in time of war, or other imminent public danger, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation therefor, to be ascertained by a jury, shall be made to the owner in money; and in all other cases, in which private property shall be taken for public use, a compensation therefor shall be first made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury of freeholders, without deduction for benefits to any property of the owner. (Art. 2, Sec. 27.)

SECTION 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

1818

. . . no *ex post facto* law, nor any other law impairing the validity of contracts shall ever be made. . . . (Art. 8, Sec. 16.)

1848

. . . no *ex post facto* law, nor any law impairing the obligation of contracts shall ever be made. . . . (Art. 13, Sec. 17.)

1862 (rejected)

. . . no *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be made. . . . (Art. 2, Sec. 18.)

SECTION 15. The military shall be in strict subordination to the civil power.

1848

. . . the military shall be in strict subordination to the civil power. (Art. 13, Sec. 20.)

1862 (rejected)

. . . the military shall be in strict subordination to the civil power. (Art. 2, Sec. 21.)

SECTION 16. 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.

1848

. . . 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 manner prescribed by law. (Art. 13, Sec. 22.)

1862 (rejected)

. . . 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 manner prescribed by law. (Art. 2, Sec. 23.)

SECTION 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

1818

. . . the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances. (Art. 8, Sec. 19.)

1848

. . . the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances. (Art. 13, Sec. 21.)

1862 (rejected)

. . . the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances. (Art. 2, Sec. 22.)

SECTION 18. All elections shall be free and equal.

1818

. . . elections shall be free and equal. (Art. 8, Sec. 5.)

1848

. . . all elections shall be free and equal. (Art. 13, Sec. 5.)

1862 (rejected)

. . . all elections shall be free and equal. (Art. 2, Sec. 5.)

SECTION 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain, by law, right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay

1818

. . . every person within this state ought to find a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character:—he ought to obtain right and justice freely and without being obliged to purchase it,—completely and without denial, promptly and without delay, conformably to the laws. (Art. 8, Sec. 12.)

1848

. . . every person within this state ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice freely and without being obliged to purchase it completely and without denial, promptly and without delay, conformably to the laws. (Art. 13, Sec. 12.)

1862 (rejected)

. . . Every person within this state ought to find a certain remedy, in the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws. (Art. 2, Sec. 13).

SECTION 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

1818

. . . a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty. (Art. 8, Sec. 18.)

1848

. . . a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty. (Art. 13, Sec. 19.)

1862 (rejected)

. . . a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty (Art. 2, Sec. 20.)

ARTICLE III—DISTRIBUTION OF POWERS

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.

1818

The powers of the government of the State of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body of Magistracy, to-wit; Those which are Legislative to one; those which are Executive to another; and those which are Judiciary to another. (Art. 1, Sec. 1.)

No person or collection of persons being one of those departments shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted. (Art. 1, Sec. 2.)

1848

The powers of the government of the State of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: those which are legislative, to one; those which are executive, to another; and, those which are judicial, to another. (Art. 2, Sec. 1.)

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, and all acts in contravention of this section shall be void. (Art. 2, Sec. 2.)

1862 (rejected)

The powers of the government of the state of Illinois, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: Those which are legislative to one; those which are executive to another; and those which are judicial to another. (Art. 3, Sec. 1.)

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, and all acts in contravention of this section shall be void. (Art. 3, Sec. 2.)

ARTICLE IV—LEGISLATIVE DEPARTMENT

SECTION 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

1818

The legislative authority of this state shall be vested in a General Assembly which shall consist of a Senate and House of representatives, both to be elected by the people. (Art 2, Sec. 1.)

1848

The legislative authority of this State shall be vested in a General Assembly; which shall consist of a Senate and House of Representatives, both to be elected by the people. (Art. 3, Sec. 1.)

1862 (rejected)

The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people. (Art. 4, Sec. 1.)

SECTION 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the Governor, or person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

1818

The first election for senators and representatives shall commence on the third Thursday of September next and continue for that and the two succeeding days; and the next election shall be held on the first Monday in August, one thousand eight hundred and twenty; and forever after, elections shall be held once in two years on the first Monday of August, in each and every county, at such places therein as may be provided by law. (Art. 2, Sec. 2.)

When vacancies happen in either house, the Governor, or the person exercising the powers of Governor, shall issue writs of election to fill such vacancies. (Art. 2, Sec. 11.)

1848

The first election for senators and representatives shall be held on the Tuesday after the first Monday in November, one thousand, eight hundred and forty-eight; and thereafter, elections for members of the General Assembly shall be held once in two years, on the Tuesday, next after the first Monday in November, in each and every county, at such places therein as may be provided by law. (Art. 3, Sec. 2.)

When vacancies shall happen in either House, the Governor, or the person exercising the powers of Governor, shall issue writs of election to fill such vacancies. (Art. 3, Sec. 16.)

1862 (rejected)

An election for members of the general assembly shall be held on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and sixty-two, and every two years thereafter, in each and every county, at such places therein as may be provided by law. (Art. 4, Sec. 2.)

When vacancies shall happen in either house, the governor, or person exercising the powers of governor shall issue writs of election to fill such vacancies; and in case of the neglect or refusal of the governor, or person acting as governor, to issue such writs, the general assembly may provide for issuing the same. (Art. 4, Sec. 15.)

SECTION 3. No person shall be a Senator who shall not have attained the age of twenty-five years, or a Representative who shall not have attained the age of twenty-one years. No person shall be a Senator or a Representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court; Secretary of State, Attorney General, State's Attorney, recorder, sheriff, or collector of public revenue, member of either House of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, (except postmasters whose annual compensation does not exceed the sum of three hundred dollars) hold any office of honor or profit under the authority of this State.

1818

No person shall be a senator who has not arrived at the age of twenty-five years, who shall not be a citizen of the United States and who shall not have resided one year in the county or district in which he shall be chosen, immediately preceding his election; (if such county or district shall have been so long erected; but if not, then within the county or counties, district or districts out of which the same shall have been taken) unless he shall have been absent on the public business of the United States or of this state and shall not moreover have paid a state or county tax. (Art. 2, Sec. 6.)

No person shall be a representative who shall not have attained the age of twenty-one years, who shall not be a citizen of the United States and an inhabitant of this State; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, (if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts out of which the same shall have been taken); unless he shall have been absent on the public business of the United States or of this state; and who moreover shall not have paid a state or county tax. (Art. 2, Sec. 3.)

No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or this state, (provided that appointments in the militia, postmasters or justices of the peace, shall not be considered lucrative offices) shall have a seat in the general assembly: nor shall any person holding an office of honour or profit under the government

of the United States, hold any office of honour or profit under the authority of this state. (Art. 2, Sec. 25.)

1848

No person shall be a representative who shall not have attained the age of twenty-five years; who shall not be a citizen of the United States, and three years an inhabitant of this State; who shall have not resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover have paid a state or county tax. (Art. 3, Sec. 3.)

No person shall be a senator who shall not have attained the age of thirty years; who shall not be a citizen of the United States, five years an inhabitant of this state, and one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected, but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this state, and shall not, moreover, have paid a state or county tax. (Art. 3, Sec. 4.)

No judge of any court of law or equity, Secretary of State, Attorney General, Attorney for the State, recorder, clerk of any Court of record, sheriff or collector, member of either House of Congress, or person holding any lucrative office under the United States, or of this state,—provided that appointments in the militia, or justices of the peace, shall not be considered lucrative offices—shall have a seat in the General Assembly; nor shall any person holding any office of honor or profit under the government of the United States hold any office of honor or profit under the authority of this state. (Art. 3, Sec. 29.)

1862 (rejected)

No person shall be a member of the general assembly who shall not be a citizen of the United States, have attained the age of twenty-five years, and resided within the limits of the county or district in which he shall be chosen for one year next preceding his election, if such county or district shall have been so long organized, but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken. No person shall be a senator who shall not have resided five years, nor a member of the house of representatives who shall not have resided three years within this state. (Art. 4, Sec. 3.)

No judge of any court of law or equity, secretary of state, attorney-general, county attorney, recorder, clerk of any court of record, sheriff or collector of the public revenue, member of either house of congress, or person holding any lucrative office under the United States or this state, or any foreign government, shall have a seat in the general assembly; PROVIDED, that appointments in the militia or the office of justice of the peace shall not be considered lucrative offices; nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, except postmasters, whose annual compensation shall not exceed the sum of one hundred dollars, hold any office of honor or profit under the authority of this state. (Art. 4, Sec. 28.)

SECTION 4. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

1818

No sheriff or collector of public monies shall be eligible to any office in this state, until they have paid over according to law, all monies which they may have collected by virtue of their respective offices. (Schedule, Sec. 3.)

1848

no person who has been or may be a collector or holder of public monies shall be eligible to a seat in either House of the General Assembly, nor be eligible to any office of profit or trust in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable. (Art. 3, Sec. 26.)

1862 (rejected)

no person, who has been, or may be, a collector or holder of public moneys, shall be eligible to a seat in the general assembly, or to any office of profit or trust in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable. (Art. 4, Sec. 25.)

No person who has been, or may be, in default as a collector or holder of moneys belonging to any municipal corporation of this state, shall hold any office in this state, or in any such corporation, until he shall have paid the full amount of said moneys and received his full discharge therefor. (Art. 9, Sec. 3.)

SECTION 5. Members of the General Assembly, 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 Illinois, and will faithfully discharge the duties of Senator (or Representative) according to the best of my ability; and that I have not, knowingly or intentionally, paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, 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, for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act." This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to or of violating, his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

1818

Every person who shall be chosen or appointed to any office of trust or profit, shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also an oath of office. (Art. 2, Sec. 26.)

The oaths of office herein directed to be taken may be administered by any justice of the peace until the general assembly shall otherwise direct. (Schedule, Sec. 7.)

1848

Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath, to sup-

port the constitution of the United States and of this state, and also an oath of office. (Art. 3, Sec. 30.)

. . . the oaths of office herein required to be taken may be administered by a justice of the peace, until otherwise provided by law. (Schedule, Sec. 9.)

1862 (rejected)

Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States and of this state, and also an oath of office. (Art. 4, Sec. 29.)

SECTION 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the Senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The Senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers, at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths, may be divided into separate districts, and shall be entitled to two Senators, and to one additional senator for each number of inhabitants equal to the ratio, contained by such counties in excess of twice the number of said ratio.

1818

The senators at their first session herein provided for, shall be divided by lot from their respective counties or districts as near as can be, in two classes:—The seats of the senators of the first class shall be vacated at the expiration of the second year; and those of the second class at the expiration of the fourth year; so that one-half thereof as near as possible may be biennially chosen forever thereafter (Art. 2, Sec. 4.)

The number of senators and representatives shall, at the first session of the General Assembly holden after the returns herein provided for are made, be fixed by the General Assembly and apportioned among the several counties or districts to be established by law; according to the number of white inhabitants. The number of representatives shall not be less than twenty-seven nor more than thirty-six, until the number of inhabitants within this state shall amount to one hundred thousand; And the number of senators shall never be less than one-third nor more than one-half of the number of representatives. (Art. 2, Sec. 5.)

(For detailed apportionment made in 1818, see Section 8 of the Schedule of the constitution of 1818 given in appendix number one.)

1848

In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the inhabitants of this state shall be made in such manner as shall be directed by law; and in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States shall be adopted

by the General Assembly as the enumeration of this state: and the number of senators and representatives shall at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. (Art. 3, Sec. 8.)

and the number of senators and representatives shall at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. (Art. 3, Sec. 8.)

The Senate shall consist of twenty-five members, and the House of Representatives shall consist of seventy-five members, until the population of the state shall amount to one million of souls, when five members may be added to the House, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred, after which, the number shall neither be increased nor diminished: to be apportioned among the several counties according to the number of white inhabitants: In all future apportionments when more than one county shall be thrown into a representative district all the representatives to which said counties may be entitled, shall be elected by the entire district. (Art. 3, Sec. 6.)

Senatorial and representative districts shall be composed of contiguous territory bounded by county lines: and only one Senator allowed, to each senatorial, and not more than three representatives to any representative district *provided*, that cities and towns containing the requisite population may be erected into separate districts. (Art. 3, Sec. 9.)

In forming senatorial and representative districts, counties containing a population of not more than one fourth over the existing ratio shall form separate districts, and the excess shall be given to the nearest county or counties not having a senator or representative, as the case may be, which has the largest white population. (Art. 3, Sec. 10.)

The senators at their first session herein provided for shall be divided by lot, as near as can be, into two classes. The seats of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year, so that one half thereof, as near as possible may be biennially chosen forever thereafter. (Art. 3, Sec. 5.)

(For detailed apportionment made in 1848, see Section 40 of Article 3 of the constitution of 1848 given in appendix number one.)

1862 (rejected)

The senate shall consist of thirty-three members, and the house of representatives of one hundred and two members, to be apportioned among the several counties according to the number of white inhabitants. In all future apportionments, where a district shall be composed of more than one county, all the representatives to which the said district may be entitled shall be elected by the whole district. There shall be no increase of senators or representatives until the population of the state shall exceed three millions. (Art. 4, Sec. 5.)

In the year of our Lord one thousand eight hundred and seventy, and every tenth year thereafter, the census taken by authority of the government of the United States shall be adopted by the general assembly as the enumeration of this state; and the number of senators and representatives shall, at the first regular session holden after the returns of said census are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants. (Art. 4, Sec. 7.)

Senatorial and representative districts shall be composed of compact, contiguous territory, which districts shall be bounded by county lines, and only one senator allowed to each senatorial district, and not more than three representatives to any representative district; PROVIDED that counties having the requisite population may have additional senators and

representatives; and counties having over one hundred thousand inhabitants may be divided into separate districts. (Art. 4, Sec. 8.)

In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio shall form separate districts, and the excess shall be given, as far as practicable, to some adjoining county or counties having the largest white population and not otherwise entitled to a senator or representative; and counties having a population of more than one-fourth over the ratio for a senator, may elect a senator, and may, with any adjoining county or counties having, with such excess, the requisite population, form another senatorial district. (Art. 4, Sec. 9.)

The senators, at their first session herein provided for, shall be divided by lot, as near as can be, into two classes. The seats of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year; so that one-half thereof, as near as possible, may be biennially chosen forever thereafter. (Art. 4, Sec. 4.)

After the population of the state shall amount to three millions of souls the general assembly may add four members to the house of representatives and one member to the senate, and thereafter five additional members, apportioned in the same manner, for every million of inhabitants, until the whole number of members in both branches shall be one hundred and fifty, after which the number shall neither be increased nor diminished. (Art. 20, Sec. 1.)

(For detailed apportionment made in 1862, see Section 2 of Article 20 of the constitution of 1862 given in appendix number one.)

SECTIONS 7 AND 8.² The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each Senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every

² Under the terms of section 12 of the schedule, original sections 7 and 8 of this article were to be eliminated if the section relating to minority representation, which was submitted to a separate vote, was adopted by the voters. The separate section was adopted and accordingly replaced original sections 7 and 8, which were as follows:

REPRESENTATIVE

"SECTION 7. The population of the State, as ascertained by the Federal census, shall be divided by the number one hundred and fifty-three, and the quotient shall be the ratio of representation in the House of Representatives. Every county or district shall be entitled to one representative, when its population is three-fifths of the ratio; if any county has less than three-fifths of the ratio, it shall be attached to the adjoining county having the least population, to which no other county has for the same reason been attached, and the two shall constitute a separate district. Every county or district having a population not less than the ratio and three-fifths, shall be entitled to two representatives, and for each additional number of inhabitants equal to the ratio, one representative. Counties having over two hundred thousand inhabitants may be divided into districts, each entitled to not less than three nor more than five representatives. After the year one thousand eight hundred and eighty, the whole population shall be divided by the number one hundred and fifty-nine, and the quotient shall be the ratio of representation in the House of Representatives for the ensuing ten years, and six additional representatives shall be added for every five hundred thousand increase of population at each decennial census thereafter, and be apportioned in the same manner as above provided.

"SECTION 8. When a county or district shall have a fraction of population above what shall entitle it to one representative, or more, according to the provisions of the foregoing section, amounting to one-fifth of the ratio, it shall be entitled to one additional representative in the fifth term of each decennial period; when such fraction is two-fifths of the ratio, it shall be entitled to an additional representative in the fourth and fifth terms of said periods; when the fraction is three-fifths of the ratio, it shall be entitled to an additional representative in the first, second and third terms respectively; when the fraction is four-fifths of the ratio, it shall be entitled to an additional representative in the first, second, third and fourth terms, respectively."

two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

1818, 1848 and 1862

(For apportionment for representatives, see under the preceding section of the constitution of 1870).

SECTION 9. The sessions of the General Assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday 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 Assembly, 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 be twice expelled for the same offense. Each house may punish by imprisonment any person, not a member, 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.

1818

The first session of the General Assembly shall commence on the first Monday of October next, and forever after, the General Assembly shall meet on the first Monday in December next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution. (Art. 2, Sec. 24.)

The senate and house of representatives when assembled shall each choose a speaker and other officers, the speaker of the senate excepted;— Each house shall judge of the qualifications and elections of its members and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members. (Art. 2, Sec. 7.)

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member; but not a second time for the same cause. (Art. 2, Sec. 10.)

Each house may punish by imprisonment during its session any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not at any one time exceed twenty-four hours. (Art. 2, Sec. 13.)

If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of

the secretary for the time being to convene the senate for the purpose of choosing a speaker. (Art. 3, Sec. 17.)

Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker for that occasion. (Art. 3, Sec. 15.)

1848

The first session of the General Assembly shall commence on the first Monday of January one thousand eight hundred and forty-nine; and forever after the General Assembly shall meet on the first Monday of January next ensuing the election of the members thereof, and at no other period—unless as provided by this constitution. (Art. 3, Sec. 11.)

The Senate and House of Representatives, when assembled, shall each choose a speaker and other officers, (the speaker of the Senate excepted.) Each House shall judge of the qualifications and election of its members, and sit upon its own adjournments. Two thirds of each House shall constitute a quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members. (Art. 3, Sec. 12.)

Each House may determine the rules of its proceedings; punish its members for disorderly behaviour; and, with the concurrence of two-thirds of all the members elected, expel a member but not a second time for the same cause; and the reason for such expulsion shall be entered upon the journal with the names of the members voting on the question. (Art. 3, Sec. 15.)

Each House may punish by imprisonment, during its session, any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in their presence; Provided, such imprisonment shall not at any one time, exceed twenty-four hours. (Art. 3, Sec. 18.)

Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the Senate, the senators shall elect one of their own number as speaker for that occasion. (Art. 4, Sec. 16.)

If the lieutenant governor shall be called upon to administer the government, and shall while in such administration, resign, die, or be absent from the state, during the recess of the General Assembly, it shall be the duty of the Secretary of State for the time being, to convene the Senate for the purpose of choosing a speaker. (Art. 4, Sec. 18.)

1862 (rejected)

The first session of the general assembly shall commence on the first Tuesday of January, in the year of our Lord one thousand eight hundred and sixty-three; and forever thereafter the general assembly shall meet on the first Tuesday of January next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution. (Art. 4, Sec. 10.)

The senate and house of representatives, when assembled, shall each choose a speaker and other officers, (the speaker of the senate excepted). Each house shall judge of the qualifications and election of its members, and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members. (Art. 4, Sec. 11.)

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member, but not a second time for the same cause; and the reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question. (Art. 4, Sec. 14.)

Each house may punish, by imprisonment, not exceeding twenty-four hours at any one time, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in their presence. (Art. 4, Sec. 17.)

In every case when the lieutenant governor shall be unable to preside over the senate the senators shall elect one of their own number

president. . . . Whenever, during a recess of the general assembly, it shall become necessary for a president of the senate to administer the government, the secretary of state shall convene the senate that they elect such president. (Art. 5, Sec. 12.)

SECTION 10. The doors of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the Senate at the request of two members, and in the House at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

1818

The doors of each house and of committees of the whole shall be kept open, except in such cases as in the opinion of the house require secrecy. 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. (Art. 2, Sec. 14.)

Each house shall keep a journal of its proceedings and publish them: The yeas and nays of the members on any question, shall at the desire of any two of them be entered on the journals. (Art. 2, Sec. 8.)

Any two members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reasons of their dissent entered on the journals. (Art. 2, Sec. 9.)

1848

The doors of each House and of Committees of the whole shall be kept open, except in such cases as, in the opinion of the House, require secrecy. 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. (Art. 3, Sec. 19.)

Each House shall keep a journal of its proceedings, and publish them. The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals. (Art. 3, Sec. 13.)

Any two members of either House shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reasons of their dissent entered on the journals. (Art. 3, Sec. 14.)

1862 (rejected)

The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. 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. (Art. 4, Sec. 18.)

Each house shall keep a journal of its proceedings and publish the same. The yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals. (Art. 4, Sec. 12.)

Any two members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered on the journals. (Art. 4, Sec. 13.)

SECTION 11. The style of the laws of this State shall be; "*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*"

1818

The style of the laws of this state shall be, "Be it enacted by the people of the state of Illinois represented in the General Assembly." (Art. 2, Sec. 17.)

1848

The style of the laws of this state shall be; "*Be it enacted by the people of the state of Illinois, represented in the General Assembly.*" (Art. 3, Sec. 20.)

1862 (rejected)

The style of the laws of this state shall be, "Be it enacted by the people of the State of Illinois represented in the General Assembly." (Art. 4, Sec. 19.)

SECTION 12. Bills may originate in either house but may be altered, amended or rejected by the other; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

1818

Bills may originate in either house, but may be altered, amended or rejected by the other. (Art. 2, Sec. 15.)

All bills for raising a revenue shall originate in the house of representatives, subject however to amendment or rejection as in other cases (Art. 2, Sec. 32.)

1848

Bills may originate in either House, but may be altered, amended or rejected by the other; and on the final passage of all bills, the vote shall be by ayes and noes, and shall be entered on the journal, and no bill shall become a law, without the concurrence of a majority of all the members elect in each House. (Art. 3, Sec. 21.)

1862 (rejected)

Bills may originate in either house, but may be altered, amended or rejected by the other; and on the final passage of all bills the vote shall be by ayes and noes, upon each bill separately, and shall be entered on the journal; and no bill shall become a law without the concurrence of a majority of all the members elect in each house. (Art. 4, Sec. 20.)

SECTION 13. Every bill 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 on its final passage; and every bill having passed both houses, shall be signed by the Speakers thereof.

No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency, (which emergency shall be expressed in the preamble or body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

1818

Every bill shall be read on three different days in each house, unless in case of urgency, three fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speakers of their respective houses. (Art. 2, Sec. 16.)

1848

Every bill shall be read on three different days in each House, unless, in case of urgency, three fourths of the House where such bill is so depending shall deem it expedient to dispense with this rule; and every bill, having passed both Houses, shall be signed by the speakers of their respective Houses; and no private or local law which may be passed by the General Assembly shall embrace more than one subject, and that shall be expressed in the title. And no public act of the General Assembly shall take effect, or be in force until the expiration of sixty days from the end of the session at which the same may be passed, unless in case of emergency, the General Assembly shall otherwise direct. (Art. 3, Sec. 23.)

1862 (rejected)

Every bill shall be read at large on three different days in each house; and before the vote is taken on its final passage, and after all amendments thereto, shall be printed; and all private bills shall be printed at the expense of those for whose benefit the same are introduced; and every bill, having passed both houses, shall be signed by the speakers of their respective houses. And no law which may be passed by the general assembly shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title thereof, such act shall be void only as to so much thereof as shall not be expressed in the title. And no law shall be revised or amended by reference to its title only; but the act revised, or the section amended, shall be inserted at length in the new law. And no act of the general assembly shall take effect or be in force, until the expiration of three months from the end of the session at which the same may be passed, unless in case of emergency, the general assembly shall by a vote of two-thirds of all the members elected in each house, otherwise direct, which emergency shall be expressed in the preamble or body of the act. (Art. 4, Sec. 22.)

SECTION 14. 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 any speech or debate in either house, they shall not be questioned in any other place.

1818

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 any speech or debate in either house, they shall not be questioned in any other place. (Art. 2, Sec. 12.)

1848

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 any speech or debate in either house they shall not be questioned in any other place. (Art. 3, Sec. 17.)

1862 (rejected)

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 any speech or debate in either house shall not be questioned in any other place. (Art. 4, Sec. 16.)

SECTION 15. No person elected to the General Assembly shall receive any civil appointment within this State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

1818

No senator or representative shall, during the time for which he shall have been elected be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time. (Art. 2, Sec. 19.)

1848

No person elected to the General assembly shall receive any civil appointment within this state, or to the Senate of the United States, from the Governor, the Governor and senate or from the General Assembly during the term for which he shall have 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 General Assembly be interested either directly or indirectly in any contract with the state, or any county thereof authorized by any Law passed during the time for which he shall have been elected or during one year after the expiration thereof. (Art. 3, Sec. 7.)

1862 (rejected)

No person elected to the general assembly shall receive any civil appointment within this state, from the governor, the governor and senate, or from the general assembly, during the term for which he shall have been elected; and all such appointments and all votes given therefor, shall be void; nor shall any member of the general assembly be interested directly or indirectly, in any contract with the state, any county, city or town thereof, authorized by any law passed during the time for which he shall have been elected, or one year thereafter. (Art. 4, Sec. 6.)

SECTION 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

1848

Bills making appropriations for the pay of the members and officers of the General Assembly and for the salaries of the officers of the government, shall not contain any provision on any other subject. (Art. 3, Sec. 22.)

1862 (rejected)

Bills making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the officers of the government, shall not contain any provision on any other subject. (Art. 4, Sec. 21.)

SECTION 17. No money shall be drawn from the treasury except in pursuance of an 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 General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

1818

No money shall be drawn from the treasury but in consequence of appropriations made by law. (Art. 2, Sec. 20.)

An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rising of each session of the General Assembly. (Art. 2, Sec. 21.)

1848

No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the rising of each session of the General Assembly. . . . (Art. 3, Sec. 26.)

1862 (rejected)

No auditor's warrant shall be issued but in pursuance of appropriations made by law; and no money shall be drawn from the treasury except upon the presentation of a warrant so issued. An accurate statement of the receipts and expenditures of the public money shall be attached to, and published with, the laws of each session of the general assembly . . . (Art. 4, Sec. 25.)

SECTION 18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the