

14. The counties of Clinton, Madison, Monroe, Randolph, Washington and St. Clair shall constitute the fourteenth judicial circuit.

15. The counties of Edwards, Gallatin, Hamilton, Hardin, Jefferson, Pope, Saline, Wabash, Wayne and White shall constitute the fifteenth judicial circuit.

16. The counties of Alexander, Franklin, Jackson, Johnson, Massac, Perry, Pulaski, Union and Williamson shall constitute the sixteenth judicial circuit. (Art. 20, Sec. 3).

APPENDIX II.

PROVISIONS OF THE CONSTITUTIONS OF 1818 AND 1848
AND OF THE REJECTED CONSTITUTION OF 1862
NOT CLOSELY RELATED TO ANY PROVISION OF
THE CONSTITUTION OF 1870.

1818

In the year one thousand eight hundred and twenty, and every fifth year thereafter, an enumeration of all the white inhabitants of the state shall be made in such manner as shall be directed by law. (Art. 2, Sec. 31).

Neither slavery nor involuntary servitude shall hereafter be introduced into this state otherwise than for the punishment of crimes whereof the party shall have been duly convicted; nor shall any male person arrived at the age of twentyone years, nor female person arrived at the age of eighteen years be held to serve any person as a servant under any indenture hereafter made unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received or to be received for their service. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or if made in this state, where the term of service exceeds one year, be of the least validity except those given in cases of apprenticeship. (Art. 6, Sec. 1).

No person bound to labour in any other state shall be hired to labour in this state, except within the tract reserved for the salt works near Shawnee-town; nor even at that place for a longer period than one year at any one time; nor shall it be allowed thereafter the year one thousand eight hundred and twenty-five:—Any violation of this article shall effect the emancipation of such person from his obligation to service. (Art. 6, Sec. 2).

Each and every person who has been bound to service by contract or indenture in virtue of the laws of the Illinois Territory heretofore existing, and in conformity to the provisions of the same, without fraud or collusion, shall be held to a specific performance of their contracts or indentures; and such negroes and mulattos as have been registered in conformity with the aforesaid laws, shall serve out the time appointed by said laws; Provided however that the children hereafter born of such persons, negroes or mulattos shall become free, the males at the age of twenty one years, the females at the age of eighteen years. Each and every child born of indentured parents shall be entered with the clerk of the county in which they reside by their owners within six months after the birth of said child. (Art. 6, Sec. 3).

That the general great and essential principles of liberty and free government may be recognized and unalterably established WE DECLARE: (Art. 8, Introduction).

all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. (Art. 8, Sec. 2).

and all lands which have been granted as a common to the inhabitants of any town, hamlet, village or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation; and the said commons shall not be leased,

sold or divided under any pretense whatever; Provided however, that nothing in this section shall be so construed as to affect the commons of Cahokia or Prairie du Pont; Provided also that the general assembly shall have power and authority to grant the same privileges to the inhabitants of the said villages of Cahokia or Prairie du Pont as are hereby granted to the inhabitants of other towns, hamlets and villages. (Art. 8, Sec. 8).

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).

It shall be the duty of the general assembly to enact such laws as may be necessary and proper to prevent the practice of duelling. (Schedule, Sec. 11).

The seat of government for the state shall be at Kaskaskia, until the general assembly shall otherwise provide. The general assembly, at their first session holden under the authority of this constitution, shall petition the congress of the United States to grant to this state a quantity of land to consist of not more than four nor less than one section, or to give to this state the right of pre-emption in the purchase of the said quantity of land; the said land to be situate on the Kaskaskia river and as near as may be east of the third principal meridian, on said river. Should the prayer of such petition be granted, the general assembly at their next session thereafter shall provide for the appointment of five commissioners to make the selection of said land so granted, and shall further provide for laying out a town upon the land so selected, which town so laid out shall be the seat of government of this state for the term of twenty years. Should however the prayer of said petition not be granted, the general assembly shall have power to make such provision for a permanent seat of government as may be necessary and shall fix the same where they may think best. (Schedule, Sec. 13).

1848

The General Assembly shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury or other infamous crime. (Art. 3, Sec. 31).

Until the General Assembly shall otherwise provide, the clerks of the county commissioner's courts in each of the aforesaid senatorial districts, and in such of the representative districts as may be composed of more than one county, shall meet at the county seat of the oldest county in said district, within thirty days next after any election for senator or representative therein, for the purpose of comparing and canvassing the votes given at such election, and the said clerks shall in all other respects conform to the laws, on the subject in force at the time of the adoption of this Constitution. (Art. 3, Sec. 41).

the judges of the supreme and circuit courts shall not be eligible to any other office or public trust of profit in this state, or the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office (except that of judges of the supreme or circuit court) given by the General Assembly or the people, shall be void. (Art. 5, Sec. 10).

The General Elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law. (Art. 6, Sec. 9).

The General Assembly may, whenever they shall deem it necessary, cause to be collected from all able-bodied, free, white male inhabitants of this state, over the age of twenty-one years, and under the age of sixty years, who are entitled to the right of suffrage, a capitation tax of not less than fifty cents nor more than one dollar each. (Art. 9, Sec. 1).

Dues from corporations not possessing banking powers or privileges shall be secured by such individual liabilities of the corporators, or other means, as may be prescribed by law. (Art. 10, Sec. 2).

The General Assembly shall encourage Internal Improvements, by passing liberal general laws of incorporation for that purpose. (Art. 10, Sec. 6)

All lands which have been granted as a "common" to the inhabitants

of any town, hamlet, village or corporation by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or incorporation; but the said commons or any of them, or any part thereof may be divided, leased, or granted, in such manner as may hereafter be provided by law, on petition of a majority of the qualified voters interested in such commons or any of them. (Art. 11.)

That the general, great and essential principles of liberty, and free government may be recognized and unalterably established,

We declare: (Art. 13, Introduction.)

. . . all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness. (Art. 13, Sec. 2.)

. . . there shall be neither slavery or involuntary servitude in this state, except as a punishment for crime, whereof the party shall have been duly convicted. (Art. 13, Sec. 16.)

. . . any person who shall after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abetter in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise in such manner, as is, or may be prescribed by law. (Art. 13, Sec. 25.)

The General Assembly shall at its first session under the amended constitution pass such laws as will effectually prohibit free persons of color from immigrating to and settling in this state, and to effectually prevent the owners of slaves from bringing them into this state, for the purpose of setting them free. (Art. 14.)

That no inconvenience may arise from the alterations and amendments made in the constitution of this state, and to carry the same into complete effect, it is hereby ordained and declared:—(Schedule, Introduction).

. . . "Article 11" entitled "Commons" is hereby adopted as a part of the constitution of this state, without being submitted to be voted upon by the people. (Schedule, Sec. 4).

. . . 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).

. . . on the first Monday of December one thousand eight hundred and forty-eight, jurisdiction of all suits and proceedings then pending in the present supreme court shall become vested in the supreme court established by this constitution and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings then pending in the circuit courts of the several counties shall be vested in the circuit courts of said counties. (Schedule, Sec. 20).

The Cook and Jo Daviess county courts shall continue to exist, and the judge and other officers of the same remain in office until otherwise provided by law. (Schedule, Sec. 21).

SECTION 23. Nothing in this constitution shall prevent the General Assembly from passing such laws in relation to the apprenticeship of minors during their minority, as may be necessary and proper. (Schedule, Sec. 23).

1862 (rejected)

That the great and essential principles of liberty and free government may be recognized and unalterably established, we declare: (Art. 2, Introduction).

. . . all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. (Art. 2, Sec. 2).

. . . there shall be neither slavery nor involuntary servitude in this state, except as a punishment for crime, whereof the party shall have been duly convicted. (Art. 2, Sec. 17).

. . . any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office

of honor or profit in this state, and shall be punished otherwise in such manner as is or may be prescribed by law. (Art. 2, Sec. 26).

. . . the people of this state have the exclusive right of governing themselves, as a free, sovereign and independent state, and do, and forever shall, enjoy and exercise every power pertaining thereto, which is not, and may not hereafter be, by them, expressly delegated to the United States of America, or prohibited to the state by the constitution of the United States. (Art. 2, Sec. 30).

. . . that the people of this state regard the union of the states, under the federal constitution, as permanent and indissoluble, from which no state has a constitutional right to withdraw or secede. (Art. 2, Sec. 31).

The general assembly shall, at the first session thereof after the adoption of this constitution, and from time to time, as occasion may require, pass laws for securing liens to mechanics and other operatives, for work and labor performed and materials furnished. (Art. 4, Sec. 40).

There may be established, in the office of secretary of state, a bureau of statistics and agriculture, under such regulations as the general assembly may prescribe. (Art. 5, Sec. 16).

County Judges, clerks, sheriffs and other county officers, for willful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment, by a grand jury, and a trial by a petit jury, and upon conviction shall be removed from office. (Art. 6, Sec. 31.)

The general assembly shall impose a tax on all civil suits, except suits before justices of the peace, which shall constitute a fund to be applied toward the payment of the salaries of judges and other expenses of courts, and which tax shall be uniform throughout the state. (Art. 6, Sec. 33.)

The amount arising from said tax, so imposed upon suits, in the county courts shall be paid into the county treasury, to be applied toward the payment of the salaries of the county judges and county attorneys, and any excess after the payment of their salaries, together with taxes imposed upon suits in the supreme and circuit courts, shall be paid into the state treasury. (Art. 6, Sec. 34.)

The general assembly, whenever it shall be deemed necessary, shall cause to be collected from all able bodied, free white male inhabitants of this state, over the age of twenty-one years and under the age of sixty years, a capitation tax of not less than fifty cents, nor more than one dollar each. (Art. 7, Sec. 1.)

The general assembly may provide that all taxes and assessments for state, county, city, school, or any other purpose, may be collected by the same person. (Art. 7, Sec. 6.)

The general assembly shall provide that all special and general taxes and assessments levied by virtue of any law of this state, shall become due upon a certain day; and also for their payment into the treasury on some certain day. And after the day of payment the names of all defaulters, with the amount of their defalcation, and the names of their sureties, shall be reported to the attorney general, or county, city or other attorney for such proceedings under such penalties as may be by law provided. (Art. 7, Sec. 8.)

The general assembly shall levy a uniform tax upon the circulation of all banks in this state, which may claim the right to issue bills after the adoption of this constitution. (Art. 7, Sec. 9.)

The general elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law. (Art. 8, Sec. 9).

Every corporation organized or doing business under the laws or authority of this state, within this state, shall have a public place in this state for the transaction of its business, and an agent or agents duly authorized to transact the business of the same at such place. (Art. 9, Sec. 6).

The general assembly shall, by general law, fix the compensation of the supervisors of the several counties, for each day they may be in session, and their mileage; and no other compensation or allowance shall be made. (Art. 11, Sec. 8).

All lands which have been granted as a "common," to the inhabitants of any town, hamlet, village or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village or corporation; but the said commons, or any of them, or any part thereof, may be divided, leased or granted, in such manner as may hereafter be provided by law, on petition of a majority of the qualified voters interested in such commons, or any of them. (Art. 13).

Institutions for the education of the deaf and dumb, and of the blind, and also for the treatment of the insane, shall always be fostered and supported by the state, and be subject to such regulations as may be prescribed by the general assembly. (Art. 15, Sec. 1.)

The trustees of the benevolent and other state institutions shall be appointed by the governor, by and with the advice of the senate; and upon all nominations made by the governor the question shall be taken by yeas and nays, and entered upon the journal of the senate; PROVIDED, that the governor shall have power to fill all vacancies that may occur in said offices until the next session of the general assembly, and until a successor to his appointee shall be confirmed and qualified. (Art. 15, Sec. 2.)

No negro or mulatto shall migrate to or settle in this state, after the adoption of this constitution. (Art. 18, Sec. 1.)

No negro or mulatto shall have the right of suffrage, or hold any office in this state. (Art. 18, Sec. 2.)

The general assembly shall pass all laws necessary to carry into effect the provisions of this article. (Art. 18, Sec. 3.)

That no inconveniences may arise from the alterations and amendments made in the constitution of this state, and to carry the same into complete effect, it is hereby ordained and declared: (Schedule, Introduction.)

Nothing in this constitution shall prevent the general assembly from passing such laws in relation to the apprenticeship of minors, during their minority, as may be necessary and proper. (Schedule, Sec. 20.)

Immediately after the adoption of this constitution, all business, suits and causes pending in any of the county courts, except probate business, and suits and causes relating to the settlement of estates, shall be transferred to and be pending in the circuit courts of the respective counties, (except suits pending in the several courts of the county of Cook) and the same shall be prosecuted to final judgment in said courts. (Schedule, Sec. 25.)

For the purpose of affording an opportunity to the Illinois volunteer soldiers now in the service of the United States, and beyond the limits of this state, or within the limits of this state, to vote on the adoption of this constitution, and for or against the articles submitted separately, it is hereby made the duty of the president of this Convention to appoint three commissioners, whose duty it shall be to proceed, within twenty days after the adjournment of this Convention, to visit the various camps, barracks, hospitals and localities of the volunteers from this state in the service of the United States, and beyond the limits of this state, or in this state, for the purpose of receiving the votes of said volunteers for or against this constitution. (Schedule, Sec. 28.)

Said commissioners shall cause to be prepared suitable poll-books, upon one column of which shall be recorded the name of the voter, another column upon which shall be recorded the number of the regiment of which said voter is a member, another column upon which shall be recorded the letter or name of the company of which said voter is a member, and another column upon which shall be recorded the vote of said voter for or against the adoption of this constitution, and in like manner other columns for the votes upon the separate articles to be voted upon. (Schedule, Sec. 29.)

Said commissioners, after they shall have received all the qualified votes offered at the first camp, barracks, hospital or locality, shall forthwith proceed to the next nearest camp, barracks, hospital or locality of Illinois volunteers in the service of the United States, and beyond the limits of this state, having first sealed up the poll-books thus used, and

shall there, as in the first instance, proceed in all respects to take the votes of said volunteers for or against the adoption of this constitution; and shall proceed in the same manner from one camp, barracks, hospital or locality to another of said volunteers, until they shall have visited and received the votes offered at every camp, barracks, hospital or locality of Illinois volunteers in the service of the United States, and beyond the limits of this state. (Schedule, Sec. 30.)

. . . Every male inhabitant of this state, entitled to vote by the laws of this state, enrolled in the volunteer service of the United States, or of this state, above the age of twenty-one years, shall be entitled to vote for or against the adoption of this constitution; but no such volunteer shall vote more than once, nor at any other place than the camp where his regiment, or, if detached, his company, are encamped at the time of holding such election. (Schedule, Sec. 31.)

. . . When the polls are closed, the said commissioners shall immediately proceed to canvass the votes, as is required by the election laws of this state, and make and subscribe duplicate copies of the returns of the election, one of which shall be kept by one of the judges, and the other shall be forwarded, in some safe and convenient way, to the president of the Convention, Hon. Wm. A. Hacker, and to the secretary of state, to be canvassed in the same manner as the votes from the different counties of this state. (Schedule, Sec. 32.)

. . . It shall be the duty of the board of supervisors of Cook county, at least thirty days before the next election for members of the general assembly, to establish a suitable number of election precincts in the city of Chicago, and to fix upon at least one place in each of said precincts for the holding of the polls and to appoint the judges of election, and in case said board shall fail to do so, then the county judges of said county shall establish said precincts, fix said polling places and appoint said judges. The board of supervisors are authorized to provide for the election of ward supervisors in said city, and all other officers to be elected at the time of election of members of the general assembly shall be voted for in the precincts to be established as aforesaid, at the place fixed for holding said polls, until otherwise provided by law. (Schedule, Sec. 33.)

. . . The provisions of this constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately. . . . (Schedule, Sec. 34.)

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¹The Constitution of 1870 contains five separate sections. Four of these separate sections were submitted and adopted at the same time as the complete constitution. The separate section relating to convict labor was adopted as an amendment to the constitution in 1886. Under the terms of section 12 of the schedule the separate section relating to minority representation, if adopted, was to be substituted for sections 7 and 8 of article IV.

While the original separate sections are not designated by numbers it has been deemed necessary for the purposes of this index, to number them. In this index the separate section relating to the Illinois Central railroad is designated as separate section 1; the separate section relating to minority representation is considered separate section 2; that relating to municipal subscriptions to railroads or private corporations is designated separate section 3; that relating to the canal as separate section 4; and that relating to convict labor as separate section 5.

In the text of the Constitution of 1870, as it appears in this pamphlet, the separate section relating to minority representation, having been adopted, appears as sections 7 and 8 of article IV, and in this index all references concerning minority representation are made to sections 7 and 8 of article IV. But, since the section relating to minority representation, in the original document, appears as the second separate section, it was thought best, in dealing with the separate sections, to permit that section to be considered as separate section 2 and to designate the following separate section as separate section 3.

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