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CONSTITUTION

OF THE

STATE OF WISCONSIN.

ADOPTED IN CONVENTION, AT MADISON, ON THE
FIRST DAY OF FEBRUARY, IN THE YEAR OF
OUR LORD ONE THOUSAND EIGHT HUN-
DRED AND FORTY-EIGHT.

PREAMBLE.

We, the people of Wisconsin, grateful to Almighty God for our freedom; in order to secure its blessings, form a more perfect government, insure domestic tranquility, and promote the general welfare; do establish this

CONSTITUTION.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights, among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. There shall be neither slavery nor involuntary servitude in this State otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury, that the matter charged as libellous, be true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 4. The right of the people peaceably to assembly to consult for the common good, and to petition the Government or any department thereof, shall never be abridged.

SEC. 5. The right of trial by jury shall remain inviolate; and shall extend to all cases at law; without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SEC. 6. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.

SEC. 7. In all criminal prosecutions, the accused shall enjoy the 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 behalf; and in prosecutions by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offence shall have been committed, which county or district shall have been previously ascertained by law.

SEC. 8. 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; and no person for the same offence shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself; all persons shall before conviction be bailable by sufficient sureties, except for capital offences, when 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.

SEC. 9. Every person is entitled to 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.

SEC. 10. Treason against the State, shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 11. 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 warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SEC. 12. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood, or forfeiture of estate.

SEC. 13. The property of no person shall be taken for public use, without just compensation therefor.

SEC. 14. All lands within the State are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural lands, for a longer term than fifteen years, in which rent or service of any kind shall be reserved, and all fines or like restraints upon alienation reserved in any grant of land hereafter made, are declared to be void.

SEC. 15. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

SEC. 16. No person shall be imprisoned for debt arising out of, or founded on a contract, express or implied.

SEC. 17. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted.

SEC. 18. The right of every man to worship Almighty God according to the dictates of his own conscience, shall never be infringed, nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worship, nor shall any money be drawn from the treasury for the benefit of religious societies or theological or religious seminaries.

SEC. 19. No religious test shall ever be required as a qualification for any office of public trust under the State, and no person shall be rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

SEC. 20. The military shall be in strict subordination to the civil power.

SEC. 21. Writs of error shall never be prohibited by law.

SEC. 22. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

ARTICLE II.

BOUNDARIES.

SECTION 1. It is hereby ordained and declared that the State of Wisconsin doth consent and accept of the boundaries prescribed in the act of Congress, entitled "An Act to enable the people of Wisconsin Territory to form a Constitution and State Government, and for the admission of such State into the Union," approved August sixth, one thousand eight hundred and forty-six, to wit: Beginning at the north-east corner of the State of Illinois, that is to say, at a point in the centre of Lake Michigan, where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence, running with the boundary line of the State of Michigan, up Lake Michigan, Green Bay, to the mouth of Menomonee river; thence up the channel of the said river to the Brule river; thence up said last mentioned river to Lake Brule; thence along the southern shore of Lake Brule in a direct line to the centre of the channel between middle and south Islands in the Lake of the Desert; thence in a direct line to the head waters of the Montreal river, as marked upon the survey made by Captain Cramm; thence down the main channel of the Montreal river to the middle of Lake Superior; thence through the centre of Lake Superior to the mouth of the St Louis river; thence up the main channel of the said river to the first rapids in the same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the river St. Croix; thence down the main channel of the said river to the Mississippi; thence down the centre of the main channel of that river to the north-west corner of the State Illinois; thence due east with the northern boundary of the State of Illinois to the place of beginning, as established by "An Act to enable the people of 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," approved April 18th, 1818.

Provided, however, that the following alteration of the aforesaid boundary be, and hereby is proposed to the Congress of the United States at the preference or the State of Wisconsin, and if the same

shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory on the State of Wisconsin, viz: Leaving the aforesaid boundary line, at the foot of the rapids of the St. Louis river; thence in a direct line, bearing south-westwardly to the mouth of Iskodewabo or Rum river, where the same empties into the Mississippi river, thence down the main channel of the said Mississippi river, as prescribed in the aforesaid boundary.

SEC. 2. The propositions contained in the act of Congress are hereby accepted, ratified and confirmed, and shall forever remain irrevocable with the consent of the United States; and it is hereby ordained that this state shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and no tax shall be imposed on land, the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. Provided, that nothing in this Constitution, or in the act of Congress aforesaid, shall in any manner prejudice or affect the rights of the State of Wisconsin to five hundred thousand acres of land granted to said State, and to be hereafter selected and located by and under the act of Congress entitled "An Act to appropriate the proceeds of the sales of public lands, and grant pre-emption rights," approved September fourth, one thousand eight hundred and forty-one.

ARTICLE III.

SUFFRAGE.

SECTION 1. Every male person of the age of twenty-one years or upwards, of the following classes, who shall have resided in this State for one year next preceding any election, shall be deemed a qualified elector at such election.

1st. White citizens of the United States.

2d. White persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

3d. Persons of Indian blood who shall have once been declared by law of Congress to be citizens of the United States, any subsequent act of Congress to the contrary notwithstanding.

4th. Civilized persons of Indian descent not members of any tribe: Provided, that the legislature may at any time extend by law the right of suffrage to persons not herein enumerated, but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election.

SEC. 2. No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election: nor shall any person, convicted of treason or felony, be qualified to vote at any election, unless restored to civil rights.

SEC. 3. All votes shall be given by ballot, except for such township officers as may by law be directed or allowed to be otherwise chosen.

SEC. 4. No person shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State.

SEC. 5. No soldier, seaman, or marine in the army or navy of the

United States shall be deemed a resident of this State, in consequence of being stationed within the same.

SEC. 6. Laws may be passed excluding from the right of suffrage all persons who have been, or may be convicted of bribery, or larceny, or of any infamous crime, and depriving every person who shall make or become directly interested in any bet or wager depending upon the result of any election, from the right to vote at such election.

ARTICLE IV.

LEGISLATIVE.

SECTION 1. The legislative power shall be vested in a senate and assembly.

SEC. 2. The number of the members of the assembly shall never be less than fifty-four, nor more than one hundred. The senate shall consist of a number of members not more than one-third, nor less than one-fourth of the number of the members of the assembly.

SEC. 3. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and at their first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion anew the members of the senate and assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

SEC. 4. The members of the assembly shall be chosen annually by single districts, on the Tuesday succeeding the first Monday of November, by the qualified electors of the several districts; such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory, and be in as compact form as practicable.

SEC. 5. The senators shall be chosen at the first election by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen; and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in regular series, and the senators chosen by the odd numbered districts shall go out of office at the expiration of the first year, and the senators chosen by the even numbered districts shall go out of office at the expiration of the second year, and thereafter the senators shall be chosen for the term of two years.

SEC. 6. No person shall be eligible to the legislature, who shall not have resided one year within the state, and be a qualified elector in the district which he may be chosen to represent.

SEC. 7. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 8. Each house may determine the rules of its own proceedings, punish for contempts and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same cause.

SEC. 9. Each house shall choose its own officers, and the senate shall choose a temporary president when the lieutenant governor shall not attend as president, or shall act as governor.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without consent of the other, adjourn for more than three days.

SEC. 11. The legislature shall meet at the seat of government, at such time as shall be provided by law, once in each year and not oftener, unless convened by the governor.

SEC. 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state, which shall have been created or the emoluments of which shall have been increased during the term for which he was elected.

SEC. 13. No person being a member of congress, or holding any civil or military office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

SEC. 14. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

SEC. 15. Members of the legislature shall in all cases, except treason, felony and breach of the peace, be privileged from arrest, nor shall they be subject to any civil process, during the session of the legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 16. No member of the legislature shall be liable in any civil action, or criminal prosecution whatever, for words spoken in debate.

SEC. 17. The style of the laws of the state shall be: "The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:" and no law shall be enacted except by bill.

SEC. 18. No private or local bill, which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title.

SEC. 19. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended by the other.

SEC. 20. The yeas and nays of the members of either house, on any question, shall, at the request of one-sixth of those present, be entered on the journal.

SEC. 21. Each member of the legislature shall receive for his services, two dollars and fifty cents for each day's attendance during the session, and ten cents for every mile he shall travel, in going to and returning from the place of the meeting of the legislature, on the most usual route.

SEC. 22. The legislature may confer upon the board of supervisors of the several counties of the state, such powers of a local legislative and administrative character, as they shall from time to time prescribe.

SEC. 23. The legislature shall establish but one system of town and county government, which shall be as nearly uniform as practicable.

SEC. 24. The legislature shall never authorize any lottery or grant divorce.

SEC. 25. The legislature shall provide by law, that all stationery required for the use of the state, and all printing authorized and required by them to be done for their use, or for the use of the state, shall be let by contract to the lowest bidder, but the legislature may establish a maximum price. No member of the legislature, or other state officer, shall be interested, either directly or indirectly, in any such contract.

SEC. 26. The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 27. The legislature shall direct, by law, in what manner, and in what courts suits may be brought against the state.

SEC. 28. Members of the legislature, and all officers, executive and judicial, except such inferior officers, as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the constitution of the United States, and the constitution of the State of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

SEC. 29. The legislature shall determine what persons shall constitute the militia of the state, and may provide for organizing and disciplining the same, in such manner as shall be prescribed by law.

SEC. 30. In all elections made by the legislature, the members thereof shall vote viva voce, and their votes shall be entered on the journal.

ARTICLE V.

EXECUTIVE.

SECTION 1. The executive power shall be vested in a governor, who shall hold his office for two years, a lieutenant governor, who shall be elected at the same time, and for the same term.

SEC. 2. No person except a citizen of the United States, and a qualified elector of the state shall be eligible to the office of governor or lieutenant governor.

SEC. 3. The governor and lieutenant governor shall be elected by the qualified electors of the state, at the times and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor or lieutenant governor, the two houses of the legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes, for governor or lieutenant governor. The returns of election for governor and lieutenant governor, shall be made in such manner as shall be provided by law.

SEC. 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature on extraordinary occasions, and in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the State. He shall communicate to the legislature at every session, the condition of the state; and recommend such matters to them for

their consideration as he may deem expedient. He shall transact all necessary business with the offices of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

SEC. 5. The governor shall receive during his continuance in office an annual compensation of one thousand two hundred and fifty dollars.

SEC. 6. The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of sentence, until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his reasons for granting the same.

SEC. 7. In case of the impeachment of the governor, or his removal from office, death, inability from mental or physical disease, resignation, or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term, or until the governor, absent or impeached, shall have returned, or the disability shall cease. But when the governor shall, with the consent of the legislature, be out of the state in time of war, at the head of the military force thereof, he shall continue commander-in-chief of the military force of the state.

SEC. 8. The lieutenant governor shall be president of the senate, but shall have only a casting therein. If, during a vacancy of the office of governor, the lieutenant governor shall be impeached, displaced, resign, die, or from mental or physical disease, become incapable of performing the duties of his office, or be absent from the state, the secretary of state shall act as governor, until the vacancy shall be filled, or the disability shall cease.

SEC. 9. The lieutenant governor shall receive double the per diem allowance of members of the senate, for every days attendance as president of the senate, and the same mileage as shall be allowed to members of the legislature.

SEC. 10. Every bill which shall have passed the legislature, shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to re-consider it. If after such re-consideration, two thirds of the members present shall agree to pass the bill, it shall, be sent, together with the objections, to the other house by which it shall likewise be re-considered and if approved by two thirds of the members present, it shall become a law. But in all such cases the votes of both houses shall be determined by the yeas and nays, and the names of members voting for or against the bill, shall be entered on the journal of each house respectfully. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the legislature shall, by their adjournment prevent its return, in which case it shall not be a law.

ARTICLE VI.

ADMINISTRATIVE.

SECTION 1. There shall be chosen by the qualified electors of the state, at the times and places of choosing the members of the legislature, a secretary of state, treasurer, and attorney general, who shall severally hold their offices for the term of two years.

SEC. 2. The secretary of state shall keep a fair record of the official acts of the legislative and executive department of the state, and shall, when required, lay the same, and all matters relative thereto, before either branch of the legislature: he shall be ex officio auditor, and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services yearly, such sum as shall be provided by law, and shall keep his office at the seat of government.

SEC. 3. The powers, duties and compensation of the treasurer, and attorney general shall be prescribed by law.

SEC. 4. Sheriffs, coroners, registers of deeds and district attorneys shall be chosen by the electors of the respective counties, once in every two years, and as often as vacancies shall happen; sheriffs shall hold no other office, and be ineligible for two years next succeeding, after the termination of their offices. They may be required, by law, to renew their security from time to time; and in default of giving such new security, their offices shall be vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer, in this section mentioned, giving to such officer a copy of the charges against him, an opportunity of being heard in his defence.

ARTICLE VII.

JUDICIARY.

SECTION 1. The court for the trial of impeachments shall be composed of the senate. The house of representatives shall have the power of impeaching all civil officers of this state, for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office after he shall have been impeached until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office of honor, profit or trust under this state; but the party impeached shall be liable to indictment, trial and punishment according to law.

SEC. 2. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts, in the several coun-

ties, with limited civil and criminal jurisdiction. Provided, That the jurisdiction which may be vested in municipal courts, shall not exceed, in their respective municipalities, that of circuit courts, in their respective circuits, as prescribed in this constitution. And that the legislature shall provide as well for the election of judges of municipal courts, as of the judges of inferior courts, by the qualified electors of the respective jurisdictions. The term of office of the judges of the said municipal and inferior courts shall not be longer than that of the judges of the circuit court.

SEC. 3. The supreme court, except in cases otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, but in no case removed to the supreme court shall a trial by jury be allowed. The supreme court shall have a general superintending control.

SEC. 4. For the term of five years, and thereafter until the legislature shall otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum, and the concurrence of a majority of the judges present shall be necessary to a decision. The legislature shall have power, if they should think it expedient and necessary, to provide by law for the organization of a separate supreme court, with the jurisdiction and powers prescribed in this constitution, to consist of one chief justice and two associate justices, to be elected by the qualified electors of the state, at such time and in such manner as the legislature may provide. The separate supreme court, when so organized, shall not be changed or discontinued by the legislature. The judges thereof shall be so classified that but one of them shall go out of office at the same time, and their term of office shall be the same as is provided for the judges of the circuit court. And whenever the legislature may consider it necessary to establish a separate supreme court, they shall have power to reduce the number of circuit court judges to four, and subdivide the judicial circuits; but no such subdivision or reduction shall take effect, nor till after the expiration of the term of some one of the said judges, or till a vacancy occur by some other means.

SEC. 5. The state shall be divided into five judicial circuits, to be composed as follows: the first circuit shall comprise the counties of Racine, Walworth, Rock and Green: the second circuit, the counties of Milwaukee, Waukesha, Jefferson and Dane: the third circuit the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage; the fourth circuit, the counties of Brown, Manitowoc, Sheboygan, Fond du Lac, Winnebago and Calumet; the fifth circuit shall comprise the counties of Iowa, La Fayette, Grant, Crawford and St. Croix, and the county of Richland shall be attached to Iowa: the county of Chippewa to the county of Crawford, and the county of La Pointe to the county of St. Croix for judicial purposes until otherwise provided by the legislature.

SEC. 6. The legislature may alter the limits or increase the number of circuits, making them as compact and convenient as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office. In case of an increase of circuits, the judge or judges shall be elected as provided in this constitution, and receive a salary of not less than that herein provided for judges of the circuit court.

SEC. 7. For each circuit there shall be a judge chosen by the qualified electors therein, who shall hold his office as is provided in this constitution and until his successor shall be chosen and qualified, and

after he shall have been elected he shall reside in the circuit for which he was elected. One of said judges shall be designated as chief justice in such manner as the legislature shall provide. And the legislature shall at its first session provide by law as well for the election of as for classifying the circuit judges to be elected under this constitution, in such manner that one of said judges shall go out of office in two years, one in three years, one in four years, one in five years and one in six years, and thereafter the judge elected to fill the office shall hold the same for six years.

SEC. 8. The circuit courts shall have original jurisdiction in all matters civil and criminal within this state, not excepted in this constitution, and not hereafter prohibited by law, and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control over the same. They shall also have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and all other writs necessary to carry into effect their orders, judgements and decrees, and give them a general control over inferior courts and jurisdictions.

SEC. 9. When a vacancy shall happen in the office of a supreme or circuit judge, such vacancy shall be filled by an appointment of the governor, which shall continue until a successor is elected and qualified; and when elected, such successor shall hold his office the residue of the unexpired term. There shall be no election for a judge or judges at any general election, for state or county officers, nor within thirty days either before or after such election.

SEC. 10. Each of the judges of the supreme and circuit courts, shall receive a salary, payable quarterly, of not less than one thousand five hundred dollars annually; they shall receive no fees of office or other compensation than their salaries; they shall hold no office of public trust, except a judicial office during the term for which they are respectively elected, and all votes for either of them for any office except a judicial office, given by the legislature or the people, shall be void. No person shall be eligible to the office of judge who shall not at the time of his election, be a citizen of the United States, and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.

SEC. 11. The supreme court shall hold at least one term annually at the seat of government of the state, at such time as shall be provided by law, and the legislature may provide for holding other terms, and at other places when they may deem it necessary. A circuit court shall be held at least twice in each year, in each county of this state, organized for judicial purposes. The circuit judges may hold courts for each other, and shall do so when required by law.

SEC. 12. There shall be a clerk of the circuit court, chosen in each county, organized for judicial purposes, by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law.

In case of a vacancy, the judge of the circuit court shall have the power to appoint a clerk until the vacancy shall be filled by an election. The clerk thus elected or appointed shall give such security as the legislature may require; and when elected shall hold his office for a full term. And the supreme court shall appoint its own clerk; and the clerk of a circuit court may be appointed clerk of the supreme court.

SEC. 13. Any judge of the supreme or circuit court may be removed from office, by address of both houses of the legislature, if two

thirds of all the members elected to each house concur therein; but no removal shall be made by virtue of this section, unless the judge complained of shall have been served with a copy of the charges against him, as the ground of address, and shall have had an opportunity of being heard in his defence on the question of removal; the ayes and noes shall be entered on the journal.

SEC. 14. There shall be chosen in each county by the qualified electors thereof, a judge of probate, who shall hold his office for three years and until his successors shall be elected and qualified and whose jurisdiction, powers and duties shall be prescribed by law, provided however, that the legislature shall have power to abolish the office of judge of probate in any county and to confer probate powers upon such inferior courts as may be established in said county.

SEC. 15. The electors of the several towns at their annual town meeting, and the electors of cities and villages at their charter election, shall in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy occurring before the expiration of a full term the justice elected shall hold for the residue of the unexpired term. Their number and classification shall be regulated by law. And the tenure of two years shall in no wise interfere with the classification in the first instance. The justices thus elected shall have such civil and criminal jurisdiction as shall be prescribed by law.

SEC. 16. The legislature shall pass laws for the regulation of tribunals of conciliation defining their powers and duties. Such tribunals may be established in and for any township, and shall have power to render judgement to be obligatory on the parties, when they voluntarily submit their matter in difference for arbitration and agree to abide the judgement, or assent thereto in writing.

SEC. 17. The style of all writs and processes shall be, "The State of Wisconsin;" all criminal prosecutions shall be carried on in the name and by the authority of the same; and all indictments shall conclude against the peace and dignity of the state.

SEC. 18. The legislature shall impose a tax on all civil suits commenced or prosecuted in the municipal, inferior or circuit courts, which shall constitute a fund to be applied toward the payment of the salary of judges.

SEC. 19. The testimony in causes in equity shall be taken in like manner as in cases at law; and the office of master in chancery is hereby prohibited.

SEC. 20. Any suitor in any court of this state shall have the right to prosecute or defend his suit either in his own proper person or by an attorney or agent of his choice.

SEC. 21. The legislature shall provide by law for the speedy publication of all statute laws, and of such judicial decisions made within the state, as may be deemed expedient. And no general law shall be in force until published.

SEC. 22. The legislature at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, whose duty it shall be to inquire into, revise and simplify the rules of practice, pleadings, forms and proceedings, and arrange a system adapted to the courts of record of this state, and to report the same to the legislature, subject to their modification and adoption, and such commissioners shall terminate upon the rendering of the report unless otherwise provided by law.

SEC. 23. The legislature may provide for the appointment of one or more persons in each organized county, and may vest in such person such judicial powers as shall be prescribed by law. Provided that said power shall not exceed that of a circuit judge at chambers.

ARTICLE VIII

FINANCE.

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

SEC. 2. No money shall be paid out of the treasury except in pursuance of an appropriation by law.

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

SEC. 4. The state shall never contract any public debt, except in the cases and manner herein provided.

SEC. 5. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the state for each year; and whenever the expenses for any year shall exceed the income, the legislature shall provide for levying a tax for the ensuing year, sufficient with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year.

SEC. 6. For the purpose of defraying extraordinary expenditures, the state may contract public debts, but such debt shall never in the aggregate exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed or diminished until the principal and interest of such debt shall have been wholly paid.

SEC. 7. The legislature may also borrow money to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 8. On the passage in either house of the legislature of any law which imposes, continues or renews a tax or creates a debt or charge, or makes, continues, or renews an appropriation of public or trust money, or releases, discharges or commutes a claim or demand of the state, the question shall be taken by yeas and nays, which shall be duly entered on the journals; and three-fifths of all the members elected to such house shall in all cases be required to constitute a quorum therein.

SEC. 9. No script, certificate, or other evidence of state debt whatsoever, shall be issued except such debts as are authorized by the sixth and seventh sections of this article.

SEC. 10. The state shall never contract any debt for works of internal improvement, or be a party in carrying on such works, but whenever grants of land or other property shall have been made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

ARTICLE IX.

EMINENT DOMAIN AND PROPERTY OF THE STATE.

SECTION 1. The state shall have concurrent jurisdiction on all rivers and lakes bordering on this state so far as the said rivers or lakes shall form a common boundary to this state, and any other state or territory now or hereafter to be formed, and bounded by the same; and the said river Mississippi and the naviga-

ble waters leading into the Mississippi and St. Lawrence; and the carrying places between the same shall be common highways and forever free as well to the inhabitants of this state as to the citizens of the United States without any tax, import or duty therefor.

SEC. 2. The title to all lands and other property which have accrued to the Territory of Wisconsin by grant, gift, purchase, forfeiture, escheat, or otherwise shall vest in the State of Wisconsin.

SEC. 3. The people of this state, in their right of sovereignty are declared to possess the ultimate property in and to all lands within the jurisdiction of this state; and all lands, the title to which shall fall from a defect of theirs, shall revert or escheat to the people.

SEC. 4. All lands which shall come to the state by forfeiture or escheat, or by grant, where the grant does not specially dedicate the same to any other object, shall be held by the state as a part of the school fund, under the same trusts, reservations and restrictions as are provided in this constitution in regard to school lands proper.

ARTICLE X.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a state superintendant, and such other officers as the legislature shall direct. The state superintendant shall be chosen by the qualified electors of the state in such manner as the legislature shall provide; his powers, duties and compensation, shall be prescribed by law; Provided, That his compensation shall not exceed the sum of twelve hundred dollars annually.

SEC. 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purposes, except the lands heretofore granted for the purposes of a university, and all monies, and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, and all monies which shall be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all monies arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the state is entitled by the provisions of an act of congress entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and also, the five per centum of the nett proceeds of the public lands to which the state shall become entitled on her admission into the union. (If congress shall consent to such appropriation of the two grants last mentioned,) shall be set apart as a separate fund, to be called "The School Fund," the interest of which and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to-wit:

1st. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor;

2d. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

SEC. 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable, and such schools shall be free, and without charge for tuition, to all children between the ages of four and twenty years, and no sectarian instruction shall be allowed therein.

SEC. 4. Each town and city shall be required to raise by tax annually, for the support of common schools therein, a sum not less than one half the amount received by such town or city respectively, for school purposes, from the income of the school fund.

SEC. 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the state, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town, for the year in which such city or town shall fail to raise such tax; nor to any school district for the year in which a school shall not be maintained at least three months.

SEC. 6. Provision shall be made by law for the establishment of a state univer-

sity, at or near the seat of government, and for connecting with the same, from time to time, such colleges in different parts of the state, as the interests of education may require. The proceeds of all lands that have been, or may hereafter be granted by the United States to the state for the support of a university shall be and remain a perpetual fund, to be called the university fund, the interest of which shall be appropriated to the support of the state university; and no sectarian instruction shall be allowed in such university.

SEC. 7. The secretary of state, treasurer and attorney general shall constitute a board of commissioners for the sale of the school and university lands, and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

SEC. 8. Provision shall be made by law for the sale of all school and university lands, after they shall have been appraised; and when any portion of such lands shall be sold, and the purchase money shall not be paid at the time of the sale, the commissioners shall take security, by mortgage, upon the lands sold for the sum remaining unpaid, with seven per cent. interest thereon, payable annually at the office of the Treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands; and to discharge any mortgages taken as security, when the sum due thereon shall have been paid.—The commissioners shall have power to withhold from sale any portion of such lands, when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other University and school funds, in such manner as the legislature shall provide; and shall give such security for the faithful performance of their duties as may be required by law.

ARTICLE XI.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, and if the same shall be agreed to, by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journal with the ayes and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published for three months previous to the time of holding such election; and if in the legislature so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner, and at such time, as the legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become a part of the constitution. Provided, that if more than one amendment be submitted they shall be submitted in such manner that the people may vote for or against such amendments separately.

SEC. 2. If at any time a majority of the senate and assembly shall deem it necessary to call a convention to revise or change this constitution. They shall submit the question to the electors to vote for or against a convention, at the next election for members of the legislature, whether they are for or against calling a convention; and if a majority of the qualified voters in the state, voting thereon, shall be in favor of calling such convention; then the legislature shall provide at its next session thereafter, for an election of delegates, to meet in convention for that purpose.

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations without banking powers or privileges may be formed under general laws, but shall not be created by special act except for municipal purposes and in cases where, in the judgment of the legislature, the objects of the corporation cannot be attained under general laws. All general laws or special acts enacted under the provisions of this section, may be altered or repealed by the legislature at any time after their passage.

SEC. 2. No municipal corporation shall take private property for public use against the consent of the owner, without the necessity thereof being first established by the verdict of a jury.

SEC. 3. It shall be the duty of the legislature, and they are hereby empowered to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting debts by such municipal corporations.

SEC. 4. The legislature shall not have power to create, authorize, or incorporate by any general or special law, any bank or banking power or privilege, or any institution or corporation having any banking power or privilege whatever, except as provided in this article.

SEC. 5. The legislature may submit to the voters, at any general election, the question of "Bank" or "No Bank," and if at any such election a number of votes equal to a majority of all the votes cast on that subject, at such election, shall be in favor of banks, then the legislature shall have power to grant bank charters, or to pass general banking laws, with such restrictions and under such regulations as they may deem expedient and proper, for the security of the bill holders; Provided, That no such grant or law shall have any force or effect until the same shall have been submitted to a vote of the electors of the state at some general election, and been approved by a majority of all the votes cast on that subject, at such election.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The political year for the State of Wisconsin shall commence on the first Monday in January, in each year, and the general election shall be holden on the Tuesday succeeding the first Monday in November in each year.

SEC. 2. Any inhabitant of this state, who may hereafter be engaged either directly or indirectly in a duel either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the constitution and laws of this state, and may be punished in such other manner as shall be prescribed by law.

SEC. 3. No member of Congress nor any person holding any office of profit or trust, under the United States (post masters excepted) or under any foreign powers; no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States, or to this state, or to any county or town therein, or to any state or territory within the United States, shall be eligible to any office of trust, profit or honor in this state.

SEC. 4. It shall be the duty of the legislature to provide a seal for the state which shall be kept by the secretary of state, and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated.

SEC. 5. All persons residing on Indian lands within any county of this state and qualified to exercise the right of suffrage, under this constitution, shall be entitled to vote at the polls which may be held nearest their residence, for state, United States and county officers. Provided, that no person shall vote for county officers out of the county in which he resides.

SEC. 6. The elective officers of the legislature other than the presiding officers, shall be a chief clerk and a sergeant-at-arms to be elected by each house.

SEC. 7. No county, with an area of nine hundred square miles or less shall be divided, or have any part stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question, shall vote for the same.

SEC. 8. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county, voting on the question, shall have voted in favor of its removal to such point.

SEC. 9. All county officers whose election or appointment is not provided for by this constitution shall be elected by the electors of their respective counties, or appointed by the boards of supervisors or other county authorities, as the legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people or appointed as the legislature may direct.

SEC. 10. The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

ARTICLE XIV.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgements, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place; and all process which may be issued under the authority of the Territory of Wisconsin previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the state.

SEC. 2. All laws now in force in the territory of Wisconsin, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be a tered or repealed by the legislature.

SEC. 3. All fines, penalties, or forfeitures, accruing to the Territory of Wisconsin shall accrue to the use of the state.

SEC. 4. All recognizances heretofore taken, or which may be taken, before the change from Territorial to a permanent State government, shall remain valid, and shall pass to, and may be prosecuted in the name of the state; and all bonds executed to the governor of the Territory, or to any other officer or court, in his or their official capacity, shall pass to the governor or state authority, and their successors in office, for the use therein respectively expressed, and may be sued for and recovered accordingly; and all the estate or property, real, personal or mixed, and all judgments, bonds, specialities, choses in action, and claims or debts of whatsoever description, of the Territory of Wisconsin, shall enure to and vest in the state of Wisconsin, and may be sued for, and recovered in the same manner and to the same extent by the state of Wisconsin as the same could have been by the territory of Wisconsin. All criminal prosecutions, and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution, in the name of the state. All offences committed against the laws of the territory of Wisconsin before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Wisconsin, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Wisconsin at the time of the change from a territorial to a state government, may be continued and transferred to any court of the state which shall have jurisdiction of the subject matter thereof.

SEC. 5. All officers, civil and military, now holding their offices under the authority of the United States or of the territory of Wisconsin, shall continue to hold and exercise their respective offices, until they shall be superceded by the authority of the state.

SEC. 6. The first session of the legislature of the state of Wisconsin shall commence on the first Monday in June next, and shall be held at the village of Madison, which shall be and remain the seat of government until otherwise provided by law.

SEC. 7. All county, precinct and township officers, shall continue to hold their respective offices, unless removed by the competent authority, until the legislature shall, in conformity with the provisions of this constitution, provide for the holding of elections to fill such offices respectively.

SEC. 8. The president of this convention shall, immediately after its adjournment, cause a fair copy of this constitution, together with a copy of the act of the legislature of this territory, entitled "an act in relation to the formation of a state government in Wisconsin, and to change the time of holding the annual session of the legislature" approved October 27, 1847, providing for the calling of this convention; and also a copy of so much of the last census of this territory as exhibits the number of its inhabitants, to be forwarded to the president of the United States, to be laid before the congress of the United States at its present session.

SEC. 9. This constitution shall be submitted at an election to be held at the place of holding the last election in the several precincts, towns and wards, on the second Monday in March next for ratification or rejection, to all white male persons of the age of twenty-one years, or upwards, who shall then be residents of this territory and citizens of the United States, or shall have declared their intention to become such, in conformity with the laws of congress

in the subject of naturalization, and all persons having such qualifications, shall be entitled to vote for or against the adoption of this constitution, and for all officers first elected under it. And if the constitution be ratified by the said electors, it shall become the constitution of the state of Wisconsin. On such of the ballots as are for the constitution, shall be written or printed the word "yes," and on such as are against the constitution, the word "no." The election shall be conducted in the manner now prescribed by law for the election of town officers; and the returns made by the clerks of the boards of supervisors, or county commissioners, (as the case may be,) to the governor of the territory at any time before the 10th day of April next. And in the event of the ratification of this constitution by a majority of all the votes given, it shall be the duty of the governor of this territory to make proclamation of the same, and to transmit a digest of the returns to the senate and assembly of the state, on the first day of their session. The governor shall also issue writs to the proper authorities in the several counties, requiring them to cause an election to be held on the second Monday of May next, for governor, lieutenant governor, secretary of state, treasurer, attorney general, members of the state legislature, and members of congress.

SEC. 10. The first election of judges of the supreme and circuit courts, shall be held on the third Monday of June next, and the governor of the territory shall, by the fourth Monday of May next, issue writs to the proper authorities in the several counties and districts, requiring such election to be held on the day aforesaid, in their respective counties and districts.

SEC. 11. Two members of congress shall also be elected on the second Monday of May next; and until otherwise provided by law, the counties of Milwaukee, Waukesha, Jefferson, Racine, Walworth, Rock and Green, shall constitute the first congressional district and elect one member. And the counties of Washington, Sheboygan, Manitowoc, Calumet, Brown, Winnebago, Fond du Lac, Marquette, Sauk, Portage, Columbia, Dodge, Dane, Iowa, La Fayette, Grant, Richland, Crawford, Chippewa, St. Croix, and La Pointe, shall constitute the second congressional district, and shall elect one member.

SEC. 12. The several elections provided for in this article, shall be conducted according to the existing laws of this territory, and the returns (except for judges of the supreme and circuit courts,) shall be certified, and transmitted to the speaker of the assembly, at the seat of government, in such time that they may be received, on the first Monday in June next, and as soon as the legislature shall be organized, the speaker of the assembly and the president of the senate shall, in the presence of both houses, examine the returns and declare who are duly elected to fill the several offices herein before mentioned, except judges. The returns of the election of judges of the supreme and circuit courts, shall be certified and transmitted to the governor of the state, in such time that they may be received on the tenth day of August next, and he shall thereupon, by proclamation, declare who are duly elected judges of the supreme and circuit courts.

SEC. 13. Such parts of the common law as are now in force in the territory of Wisconsin, not inconsistent with the constitution, shall be and continue part of the law of the state until altered or suspended by the legislature.

SEC. 14. The senators first elected in the even numbered senate districts, the governor, lieutenant governor and other state officers first elected under this constitution, shall enter upon the duties of their respective offices on the first Monday of June next, and shall continue in office for one year from the first Monday of January next; the senators first elected in the odd numbered senate districts, and the members of the assembly first elected, shall enter upon their duties respectively, on the first Monday in June next, and shall continue in office until the first Monday in January next.

SEC. 15. The oaths of office may be administered by any judge, or justice of the peace, until the legislature shall otherwise direct.

RESOLUTIONS.

1st. Resolved, That the congress of the United States be, and is hereby requested, upon the application of Wisconsin for admission into the Union, so to allow the provisions of the act of congress entitled, "an act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock River," approved June eighteenth, eighteen hundred and thirty-eight, and so to alter the terms and conditions of the grant made therein, that the odd numbered sections thereby granted and remaining unsold, may be held and disposed of by the state of Wisconsin as part of the five hundred thousand acres of land to which said state is entitled by the provisions of an act of congress entitled, "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the 4th day of September, 1841; and further, that the even numbered sections reserved by congress may be offered for sale by the United States for the same minimum price, and subject to the same rights of pre-emption as other public lands of the United States.

2d. Resolved, That congress be further requested to pass an act whereby the excess price over and above one dollar and twenty-five cents per acre, which may have been paid by the purchasers of said even numbered sections which shall have been sold by the United States, be refunded to the present owners thereof, or they be allowed to enter any of the public lands of the United States, to an amount equal in value to the excess so paid.

3d. Resolved, That in case the said odd numbered sections shall be ceded to the state as aforesaid, the same shall be sold by the state, in the same manner as other school lands; Provided, That the same rights of pre-emption as are now granted by the laws of the United States, shall be secured to persons who may be actually settled upon such land at the time of the adoption of this constitution:— And Provided further, That the excess price over and above one dollar and twenty-five cents per acre also actually or conditionally contracted to be paid by the purchasers of any part of said sections which shall have been sold by the Territory of Wisconsin, shall be remitted to such purchasers, their representatives or assigns.

4th. Resolved, That congress be requested, upon the application of Wisconsin for admission into the Union, to pass an act whereby the grant of five hundred thousand acres of land, to which the state of Wisconsin is entitled by the provisions of an act of congress entitled, "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, eighteen hundred and forty-one, and also the five per centum of the nett proceeds of the public lands lying within the state, to which it shall become entitled on its admission into the Union by the provisions of an act of congress entitled, "an act to enable the people of Wisconsin Territory to form a constitution and state government, and for the admission of such state into the Union," approved the sixth day of August, eighteen hundred and forty-six, shall be granted to the state of Wisconsin for the use of schools, instead of the purposes mentioned in the said acts of congress respectively.

5th. Resolved, That the congress of the United States be, and hereby is requested, upon the admission of this state into the Union, so to alter the provisions of the act of congress entitled "an act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the Territory of Wisconsin," that the price of the lands reserved to the United States, shall be reduced to the minimum price of the public lands.

6th. Resolved, That the legislature of this state shall make provision by law for the sale of the lands granted to the state in aid of said improvements, subject to the same rights of pre-emption to the settlers thereon, as are now allowed by law to settlers on the public lands.

7th. Resolved, That the foregoing resolutions, be appended to, and signed with the constitution of Wisconsin, and submitted therewith to the people of this Territory, and to the congress of the United States.