

CONSTITUTION

OF THE

STATE OF WISCONSIN.

PREAMBLE.

THE constitution of the State of Wisconsin adopted in convention at Madison on the sixteenth day of December, in the year of our Lord One thousand eight hundred and forty six, and of the Independence of the United States, the seventy first.

We, the people of Wisconsin, acknowledging, with gratitude, the grace and beneficence of God, in permitting us to make choice of our form of Government, having the right of admission into the Union, as a member of the confederacy, consistent with the Constitution of the United States, and the ordinance of Congress of seventeen hundred and eighty seven, believing that the time has arrived when our present political condition ought to cease, and the right of self-government to be asserted; and in order to establish justice, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do mutually agree with each other, to form ourselves into a free and independent State, by the name of "The State of Wisconsin", and do ordain and establish this constitution for the government thereof.

ARTICLE I.

BOUNDARIES.

Section 1. It is hereby ordained and declared, that the State of Wisconsin "doth consent to 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. Provided however, that the following

alteration of the aforesaid boundary be, and hereby is proposed to the Congress of the United States, as the preference of 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 first rapids in the river Saint Louis; thence in a direct line southwardly to a point fifteen miles east of the most easterly point in Lake Saint Croix; thence due south to the main channel of the Mississippi river or Lake Pepin; thence down the said main channel of Lake Pepin and the Mississippi river, as prescribed in the aforesaid boundary.

Sec. II. This ordinance is hereby declared to be irrevocable without the consent of the United States.

ARTICLE II.

ON ACT OF CONGRESS FOR ADMISSION OF THE STATE.

Sec. I. The propositions of the Congress of the United States, as made and contained in their act of the sixth day of August One thousand eight hundred and forty six, 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", are hereby accepted, ratified and confirmed: Provided, nevertheless, that nothing in this constitution, or in the act of Congress aforesaid, shall in any manner prejudice or affect the right 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 of the United States, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," Approved September fourth One thousand eight hundred and forty one.

Sec. II. The 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.

ARTICLE III.

ON THE EXECUTIVE OF THE STATE.

Sec. I. The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be elected at the same time, and for the same term.

Sec. II. No person except a citizen of the United States, and a qualified elector of this state, shall be eligible to the office of Governor or of Lieutenant-Governor.

Sec. III. The Governor and Lieutenant-Governor shall be elected 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 for Lieutenant-Governor, the two houses of the Legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the said 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 prescribed by law.

Sec. IV. 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. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters to them for their consideration, as he shall judge expedient. He shall transact all necessary business with the officers 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 are faithfully executed.

Sec. V. The Governor shall receive, as a compensation for his services, annually, the sum of One thousand dollars.

Sec. VI. The Governor shall have power to grant reprieves, and pardons after conviction, for all offences except treason, and cases of impeachment. He may commute sentence of death to imprisonment in a state prison for life. He may grant pardons upon such conditions, and with such restrictions and limitations as he may think proper. Upon convictions for treason, he shall have power to suspend the sentence until the case shall be reported to the legislature at its next session. He shall communicate to the legislature by message each case of reprieve, commutation and pardon by him granted, since the next previous session of the legislature, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date and conditions of the commutation, pardon or reprieve.

Sec. VII. 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 still continue Commander-in-Chief of all the Military force of the State.

Sec. VIII. The Lieutenant-Governor shall be President of the Senate, but shall have only a casting vote 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 his duties, 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. IX. The Lieutenant-Governor shall receive double the per-diem 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. X. The Governor and Lieutenant-Governor, or either of them, shall not, during the term for which he or they are elected, hold any other office of trust, honor, profit or emolument under this State or the United States, or any other State of the Union, or any foreign State or government.

Sec. XI. Every bill which shall have passed the legislature, shall before it

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 on their journal, and proceed to reconsider 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 cases, the votes of both houses shall be determined by "Yeas" and "Nays", and the names voting for and against the bill, shall be entered on the journal of each house respectively. 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 IV. ADMINISTRATIVE.

Sec. I. A Secretary of State, who shall ex-officio be the Auditor, a Treasurer, and an Attorney General, shall be elected at the times and places of choosing Governor and Lieutenant-Governor, and shall hold their offices for the term of two years.

Sec. II. The Secretary of State shall keep a fair record of the official acts of the legislative and executive departments of the State, and shall, when required, lay the same, and all matters relative thereto, before either branch of the legislature; 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, not exceeding one thousand dollars, and shall keep his office at the seat of government.

Sec. III. The powers and duties of the Treasurer and Attorney General shall be prescribed by law. Each of said officers shall receive as a compensation for his services, yearly, a sum to be prescribed by law.

Sec. IV. The Legislature shall not grant or allow to any officer named in this Article, any extra compensation, under any pretence, or in any form whatever.

ARTICLE V.

ON THE CONSTITUTION AND ORGANIZATION OF THE LEGISLATURE

Sec. I. The Legislative power shall be vested in a Senate and House of Representatives.

Sec. II. The number of the members of the House of Representatives shall never be less than sixty, nor greater than one hundred and twenty; The Senate shall consist of a number of members not greater than one third, nor less than one fourth of the number of members of the House of Representatives.

Sec. III. The Legislature shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and fifty five

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five, and at the end of every ten years thereafter; and shall also provide for such enumeration in the year one thousand eight hundred and forty eight: And at their first session after each enumeration so made as aforesaid, and also after each enumeration made by the authority of the United States, the legislature shall apportion anew the representatives and senators among the several districts, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States Army and Navy.

Sec. IV.

Until there shall be a new apportionment of the senators and members of the house of representatives, the State shall be divided into senatorial and representative districts as follows, and the senators and members of the house of representatives, shall be apportioned among the several districts as follows, that is to say:

The county of Brown shall constitute the first representative district, and shall be entitled to one representative.

The county of Calumet shall constitute the second representative district, and shall be entitled to one representative.

The county of Manitowoc shall constitute the third representative district, and shall be entitled to one representative.

The county of Marquette shall constitute the fourth representative district, and shall be entitled to one representative.

The county of Winabago shall constitute the fifth representative district, and shall be entitled to one representative.

The county of Sheboygan shall constitute the sixth representative district, and shall be entitled to one representative.

The county of Fond du Lac shall constitute the seventh representative district, and shall be entitled to two representatives.

The county of Columbia shall constitute the eighth representative district, and shall be entitled to one representative.

The county of Sauk shall constitute the ninth representative district, and shall be entitled to one representative.

The county of Washington shall constitute the tenth representative district, and shall be entitled to four representatives.

The county of Dodge shall constitute the eleventh representative district, and shall be entitled to four representatives.

The county of Milwaukee shall constitute the twelfth representative district, and shall be entitled to eight representatives.

The county of Waukesha shall constitute the thirteenth representative district, and shall be entitled to six representatives.

The county of Jefferson shall constitute the fourteenth representative district, and shall be entitled to five representatives.

The county of Dane shall constitute the fifteenth representative district, and shall be entitled to four representatives.

The county of Racine shall constitute the sixteenth representative district

district, and shall be entitled to ten representatives.

The county of Walworth shall constitute the seventeenth representative district, and shall be entitled to six representatives.

The county of Rock shall constitute the eighteenth representative district, and shall be entitled to five representatives.

The county of Green shall constitute the nineteenth representative district, and shall be entitled to one representative.

The county of Iowa shall constitute the twentieth representative district, and shall be entitled to seven representatives; Provided, that whenever the said county of Iowa shall be divided, and two new counties shall be organized out of the same, then the northern of said two new counties shall be entitled to three representatives, and the southern of said two new counties shall be entitled to four representatives.

The county of Grant shall constitute the twenty-first representative district, and shall be entitled to five representatives.

The counties of Crawford and Richland shall constitute the twenty-second representative district, and shall be entitled to one representative.

The counties of St. Croix and Chippewa shall constitute the twenty-third representative district, and shall be entitled to one representative.

The county of La Pointe shall constitute the twenty-fourth representative district, and shall be entitled to one representative.

The county of Portage shall constitute the twenty-fifth representative district, and shall be entitled to one representative.

The counties of Brown, Calumet, Winabago, Fond du Lac, Manitowoc, and Sheboygan shall constitute the first senatorial district, and shall be entitled to one Senator.

The counties of Marquette, Columbia, Portage, Sauk, Richland, Crawford, Chippewa, St. Croix, and La Pointe shall constitute the second senatorial district, and shall be entitled to one Senator.

The county of Washington shall constitute the third senatorial district, and shall be entitled to one Senator.

The county of Dodge shall constitute the fourth senatorial district, and shall be entitled to one Senator.

The county of Milwaukee shall constitute the fifth senatorial district, and shall be entitled to two Senators.

The county of Waukesha shall constitute the sixth senatorial district, and shall be entitled to two Senators.

The county of Jefferson shall constitute the seventh senatorial district, and shall be entitled to one Senator.

The county of Dane shall constitute the eighth senatorial district, and shall be entitled to one Senator.

The county of Racine shall constitute the ninth senatorial district, and shall be entitled to two Senators.

The county of Walworth shall constitute the tenth senatorial district, and

and shall be entitled to two Senators.

The county of Rock shall constitute the eleventh senatorial district, and shall be entitled to two Senators.

The county of Green shall constitute the twelfth senatorial district, and shall be entitled to one Senator.

The county of Iowa shall constitute the thirteenth senatorial district, and shall be entitled to two Senators; Provided, that whenever the said county of Iowa shall be divided, and two new counties shall be organized out of the same, then the northern of said two new counties shall be entitled to one Senator, and the southern of said two new counties shall be entitled to one Senator.

The county of Grant shall constitute the fourteenth senatorial district, and shall be entitled to two Senators.

Sec. V. The representatives shall be chosen annually, on the day of the general election, by the qualified electors of the several districts; the Senators shall be chosen biennially, for two years, at the same time and in the same manner as the representatives are required to be chosen.

Sec. VI. Senators and representatives shall be qualified electors in the respective districts which they represent, and shall have resided at least one year in the State.

Sec. VII. No person holding office under the United States, Postmasters excepted, shall be eligible to a seat in either branch of the legislature of this State.

Sec. VIII. A majority of each house 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. Each house shall choose its own officers.

Sec. IX. Each house shall determine the rules of its proceedings, and judge of the qualifications, elections and returns of its own members, may punish for contempts, and its members for disorderly behaviour; and may, 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. X. No Senator, or representative in the legislature of this State, shall during the time for which he was elected, or during one year after the expiration thereof, be appointed or elected to any civil office under the authority of this State, which shall have been created, or the emoluments whereof shall have been increased during the time for which he was elected.

Sec. XI. Senators and representatives 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. XII. The legislature shall meet at the seat of government on the second Thursday of January in every year, and at no other period, unless otherwise directed by law, or provided for in this constitution.

Sec. XIII. The Governor shall issue writs of election to fill such vacancies as may occur in the Senate or House of Representatives.

Sec. XIV. The style of the laws of this State shall be, "It is enacted by the Legislature of the State of Wisconsin as follows;" "that is to say."

Sec. XV. Each member of the legislature shall receive for his services two dollars for each days attendance during the first forty days of any session, and one dollar for each days attendance during the remainder of such session; and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, to be computed by the most usually travelled route.

ARTICLE VI.

ON THE POWERS DUTIES AND RESTRICTIONS OF THE LEGISLATURE.

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

Sec. II. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other, and on the final passage of all bills, the vote shall be by Ayes and Noes, and shall be entered on the journal.

Sec. III. The legislature may confer upon the boards of supervisors of the several counties of the State, such powers of local legislation and administration, as they shall from time to time prescribe.

Sec. IV. 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. V. The legislature shall never grant extra compensation to any public officer, agent, servant or contractor after the service shall have been rendered or the contract entered into.

Sec. VI. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may by law be exempted, shall before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation.

"I do solemnly swear {or affirm, as the case may be} that I will support the Constitution of the United States and the Constitution of the State of Wisconsin, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

Sec. VII. The legislature shall never authorize any lottery.

Sec. VIII. One fifth of the members present, of each House, shall be entitled to call for the ayes and noes on any question, and to have the same entered upon the journal.

Sec. IX. The legislature shall establish but one system of Town and County

county government, which shall be uniform as near as may be, throughout the state.

Sec. X.

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

ARTICLE VII.

ON THE ORGANIZATION AND FUNCTIONS OF THE JUDICIARY.

Sec. I.

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. Judgement, in cases of impeachment, shall not extend further than to removal from office, or 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. II.

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 counties, with limited civil and criminal jurisdiction.

Sec. III.

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 in said court. The Supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari and other original and remedial writs, and to hear and determine the same.

Sec. IV.

For the term of five years from the first election of the Judges of circuit courts, and thereafter until the legislature shall otherwise provide, the judges of the several circuit courts shall be judges of the Supreme court, a majority of whom shall constitute a quorum, and the concurrence of a majority of the judges present shall be necessary to a decision.

Sec. V.

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

and Calumet; and the fifth circuit shall comprise the counties of Iowa, Grant, Crawford and Richland; and the counties of Chippewa, St. Croix and La Pointe shall be attached to the county of Crawford for judicial purposes, until otherwise provided by the legislature.

Sec. VI. The legislature may alter, increase or diminish the number of circuits, making them as compact and convenient as may be, and bounding them by county lines; but no alteration or diminution of the number of circuits, shall have the effect to remove a judge from office.

Sec. VII. For each circuit, there shall be a judge chosen by the qualified electors therein, who shall hold his office for the term of five years, 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.

Sec. VIII. The circuit courts shall have original jurisdiction in all matters, civil and criminal, within this State, not otherwise 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 power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari and all other writs necessary to enforce their own jurisdiction, and give them a general control over inferior courts and jurisdictions.

Sec. IX. When a vacancy shall happen in the office of a supreme or circuit judge, such vacancy shall be filled by an appointment by the Governor, which shall continue until a successor is elected and qualified, and when elected, such successor shall hold his office for a full term. No election for judges, or for any single judge of the supreme or circuit court, shall be held within thirty days of any general election for State or county officers.

Sec. X. Each of the judges of the supreme and circuit courts, shall receive a salary of One thousand five hundred dollars annually. They shall receive no fees of office, or other compensation than their salaries; they shall hold no other office of public trust, and all votes for either of them, for any office except that of judge of the supreme or circuit court, given by the legislature or the people, shall be void. If any judge shall resign his office, he shall not be eligible or appointed to any office within two years after such resignation. No person shall be elected to the office of judge who is not a citizen of the United States, who shall not have attained the age of twenty five years, and who shall not have resided within this State or Territory two years previous to his election.

Sec. XI. The supreme court shall hold at least one term in each judicial circuit annually, at such times and places as shall be provided by law. A circuit court shall be held in each county of this State, organized for judicial purposes, at least twice in each year. The circuit

judges may hold courts for each other, and shall do so when required by law.

Sec. XII. Until the legislature shall otherwise provide, the circuit judges shall interchange circuits, and hold courts in such manner, that no judge of either of said circuits, shall hold court in any one circuit, for more than one year in five successive years, except in case of vacancy, absence, or of inability or disability of one of said judges.

Sec. XIII. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes, by the qualified electors therein, who shall hold his office for two years, subject to removal, as shall be provided by law. In case of vacancy, the judge of the circuit shall have the power to appoint a clerk, until the vacancy shall be filled by an election. The clerk of the circuit court shall perform all the duties of the office of Register of Deeds. On the first Monday in January and July in each year, he shall make a statement under oath, of all the fees of his office during the half year next preceding, and deposit such statement in the office of the County Treasurer; when the fees mentioned in such statement shall exceed the sum of seven hundred and fifty dollars, he shall pay seventy-five per centum of such excess into the County Treasury. He may, in all cases, demand his fees in advance, and shall give such security as the legislature may require. The Supreme court shall appoint its own clerks, and the clerk of a circuit court may be appointed a clerk of the Supreme court.

Sec. XIV. Any judge of the Supreme or circuit courts 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 party complained of shall have been served with a copy of the complaint against him, 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 journals.

Sec. XV. There shall be chosen in each county, by the qualified electors thereof, a judge of probate, who shall hold his office for two years, and until his successor is elected and qualified.

Sec. XVI. The electors of the several towns, at their annual town meeting, and the electors of cities and villages, at their charter elections, shall, in 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. They shall have civil and criminal jurisdiction co-extensive with the county in which they are elected, in such cases as shall be prescribed by law.

Sec. XVII. Tribunals of conciliation may be established, with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgement to be obligatory on the parties, unless they agree to abide the judgement or assent thereto, in the presence of such tribunal.

Sec. XVIII. The legislature shall have power to vest in clerks of courts or in other competent persons, authority to grant such orders, and do such acts, as may be deemed necessary for the furtherance of the administration of justice; but in all cases, the powers thus granted shall be specified and determined.

Sec. XIX. The style of all writs and process 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. XX. The legislature shall impose a tax on all civil suits commenced or prosecuted in the supreme or circuit courts, which shall be paid into the treasury of the state, and shall constitute a fund to be applied toward the payment of the salary of judges.

Sec. XXI. The testimony, in equity cases, shall be taken in like manner as in cases at law; and the office of Master in chancery shall be abolished.

Sec. XXII. 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. XXIII. A district attorney shall be elected in each county organized for judicial purposes, by the qualified electors therein, whose duties, compensation and term of service, shall be prescribed by law.

Sec. XXIV. The legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions made within this state as it may deem expedient. All laws and judicial decisions shall be free for publication by any person, and no general law shall be in force until published.

Sec. XXV. The legislature, at its first session after the admission of this state into the Union, shall provide for the appointment of three commissioners, whose duty it shall be to revise, simplify and arrange the statute laws of this state, with proposed amendments, to enquire into and ascertain the rules of practice, pleadings, forms and proceedings most suitable to be adopted in the courts of record in this state, and to report thereon to the legislature, subject to their modification and adoption.

ARTICLE VIII.

ON SUFFRAGE AND THE ELECTIVE FRANCHISE.

Sec. I. All male persons of the age of twenty one years or upwards, belonging to any of the four following classes of persons, and who shall have resided in this state for one year next preceding any election authorized by this constitution or any law, shall constitute the qualified electors at such election:

First. All white citizens of the United States.

Second. All white persons, not citizens of the United States, who shall have declared their intention to become such, in conformity with the laws of Congress for the naturalization of Aliens, and shall have taken before any
Officer

officer of this State authorized to administer oaths, and filed in the office of the clerk of any court of Record in this State, or, in counties where there may be no court of Record, in the office of the clerk of the county, an oath to support the Constitution of the United States and of this State.

Third. All Indians declared to be citizens of the United States by any law of Congress.

Fourth. All civilized persons of the Indian blood, not members of any tribe of Indians.

Sec. II. Whenever Congress shall dispense with a declaration of intention as a requisite to naturalization, the declaration of intention required of the second class of electors, shall be made and filed in the office of the clerk of any court of Record in this State.

Sec. III. No elector shall be entitled to vote except in the district, county or township in which he shall have actually resided for ten days next preceding such election, provided that any such elector shall be permitted to vote anywhere in the State for State officers.

Sec. IV. No person under guardianship shall be permitted to vote at any election.

Sec. V. All votes shall be given by ballot, except for such township officers, as may by law be directed or allowed to be otherwise chosen; and in all elections to be made by the legislature, the members thereof shall vote *viva voce*; and their votes shall be entered on the journal.

Sec. VI. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

Sec. VII. No elector shall be obliged to do militia duty, on the days of election, except in time of war, actual invasion, insurrection or public danger; nor shall any elector on the days of election, be obliged to attend any court, either as a suitor, witness or juror.

Sec. VIII. 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. IX. 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 in any military or naval place within the same.

Sec. X. It shall not be lawful for any voter, directly or indirectly, to make any bet or wager on any election at which he shall vote, and it shall be the duty of the legislature, to prescribe as a part of the oath to be taken by any voter, that he had not, directly or indirectly, made any bet or wager on the election at which he offers his vote.

ARTICLE IX.

ON EDUCATION, SCHOOLS AND SCHOOL FUNDS.

Sec. I. The supervision of public instruction shall be vested in a State Superintendent, and such other officers as the legislature may direct. The State Superintendent shall be elected or appointed in such manner and for such

such term of office as the legislature shall direct. The legislature shall provide for filling vacancies in the office of State Superintendent, and prescribe his powers and duties.

Sec. II. There shall be a state fund for the support of common schools throughout the state, the capital of which shall be preserved inviolate. All monies that may be granted by the United States to this state, and the clear proceeds of all property, real or personal, that has been, or may be granted as aforesaid for educational purposes, (except the lands heretofore granted for the purposes of a University) or for the use of the state, where the purposes of the grant are not specified; and all monies, and the clear proceeds of all property which may accrue to the state by forfeiture or escheat, shall be appropriated to, and made a part of the capital of said fund. The interest on said fund, together with the rents on all such property until sold, shall be inviolably appropriated to the support of said schools annually.

Provision shall be made by law for an equal and equitable distribution of the income of the state school fund amongst the several towns, cities and districts, for the support of schools therein respectively, in some just ratio to the number of children who shall reside in the same between the ages of five and sixteen years inclusive.

Sec. III. Provision shall be made by law, requiring the several towns and cities to raise a tax on the taxable property therein annually, for the support of common schools in said towns and cities respectively.

Sec. IV. The legislature shall provide for a system of common schools, which shall be as nearly uniform as may be throughout the state, and the common schools shall be equally free to all children, and no sectarian instruction shall be used or permitted in any common school in this state.

Sec. V. The legislature shall provide for the establishment of libraries, one at least in each town and city, and the money which shall be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines assessed in the several counties for any breach of the penal laws, shall be exclusively applied to the support of said libraries.

ARTICLE X.

ON BANKS AND BANKING.

Sec. I. There shall be no bank of issue within this state.

Sec. II. The legislature shall not have power to authorize or incorporate, by any general or special law, any Bank or other Institution having any banking power or privilege, or to confer upon any corporation, institution, person or persons any banking power or privilege.

Sec. III. It shall not be lawful for any corporation, institution, person or persons within this state, under any pretence or authority, to make or issue any paper money, note, bill, certificate or other evidence

of debt whatever intended to circulate as money.

Sec. IV. It shall not be lawful for any corporation within this State under any pretence or authority, to exercise the business of receiving deposits of money, making discounts, or buying or selling bills of exchange, or to do any other banking business whatever.

Sec. V. No branch or agency of any bank or banking institution of the United States, or of any State or Territory within or without the United States, shall be established or maintained within this State.

Sec. VI. It shall not be lawful to circulate within this State, after the year one thousand eight hundred and forty seven, any paper money, note, bill, certificate or other evidence of debt whatever, intended to circulate as money, issued without this State, of any denomination less than ten dollars, or after the year one thousand eight hundred and forty nine, of any denomination less than twenty dollars.

Sec. VII. The legislature shall, at its first session after the adoption of this constitution, and from time to time thereafter as may be necessary, enact adequate penalties for the punishment of all violations and evasions of the provisions of this article.

ARTICLE XI.

ON INTERNAL IMPROVEMENTS.

Sec. I. This State shall encourage internal improvements by individuals, associations and corporations, but shall not carry on, or be a party in carrying on, any work of internal improvement except in cases authorised by the second section of this article.

Sec. II. When grants of land or other property shall have been made to the State, specially 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 so dedicated thereto; but shall in no case pledge the faith or credit of the State, or incur any debt or liability for such works of internal improvement.

Sec. III. 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 part of the State School fund, under the same trusts, reservations and restrictions, as are provided in this constitution in regard to school lands proper.

ARTICLE XII.

ON TAXATION FINANCE AND PUBLIC DEBT.

Sec. I. All taxes to be levied in this State, at any time, shall be as nearly equal as may be.

Sec. II. No money shall ever be paid out of the Treasury of this State, except in pursuance of an appropriation by law.

Sec. III. The credit of the State shall never be given or loaned in aid of any individual, association or corporation.

Sec. IV. There shall be published by the Treasurer, in at least one newspaper printed at the seat of government, during the first week in

in January in each year, and in the next volume of the acts of the legislature, a detailed statement of all moneys drawn from the Treasury during the preceding year, for what purpose, and to whom paid, and by what law authorized.

Sec. V. There shall never be issued by, or in any way on behalf of the state, any scrip or other evidence of state debt, except in the cases and manner authorized in the eighth, ninth and tenth sections of this article.

Sec. VI. This state shall never contract any public debt, unless in time of war, to repel invasion or to suppress insurrection, except in the cases and manner provided in the eighth, ninth and tenth sections of this article.

Sec. VII. The legislature shall provide for an annual tax sufficient to defray the estimated expenses for each year; and whenever it shall happen that the expenses of the state for any year shall exceed the income of the state for such year, the legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year.

Sec. VIII. For the purpose of defraying extraordinary expenditures, the state may contract public debts, but such debts shall never, singly or in the aggregate, exceed one hundred thousand dollars. Every such debt shall be authorized by law, for some single work or object to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the votes of two-thirds of the members of each house, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy an annual tax sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within five years from the final 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, and such taxes shall not be repealed, postponed or diminished, until the principal and interest of such debt shall have been wholly paid.

Sec. IX. All debts authorized by the preceding section shall be contracted by loan on state bonds, of amounts not less than five hundred dollars each, on interest, payable within five years after the final passage of the law authorizing such debt, and such bonds shall not be sold for less than par. A correct registry of all such bonds shall be kept by the Treasurer, in numerical order, so as always to exhibit the number and the amount issued, the number and amount unpaid, and to whom severally made payable.

Sec. X. On the final 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

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 each house shall in all such cases be required to constitute a quorum therein.

Sec XI. The money arising from any loan made or debt or liability contracted, shall be applied to the work or object specified in the act authorising such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

ARTICLE XIII.

ON THE MILITIA.

Sec. I The militia of this state shall consist of all free, able-bodied male persons (negroes and mulattoes excepted) resident in the said state, between the ages of eighteen and forty five years; except such persons as now are, or hereafter may be exempted by the laws of the United States, or of this state; and they shall be armed, equipped, organized and disciplined, in such manner, and at such times as may be directed by law. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. II. The militia of this state shall be divided into convenient Divisions, Brigades, Regiments, Battalions and companies, with officers of corresponding titles and rank to command them, conforming as nearly as practicable to the general regulations of the army of the United States.

Sec III. Captains and subalterns in the militia, field officers of Regiments, Brigade Inspectors, Brigadier Generals and Major-Generals, shall be elected or appointed in such manner as shall hereafter be provided by law.

Sec. IV. The Governor shall appoint the Adjutant-General and other members of his staff. Major Generals, Brigadier Generals, and commanders of regiments and separate battalions, shall respectively appoint their own staff. All staff officers may continue in office during good behaviour, and shall be subject to be removed by the superior officer from whom they respectively receive their appointments.

Sec. V. All military officers shall be commissioned by the Governor.

Sec. VI. The militia as divided into Divisions, Brigades, Regiments, Battalions and companies, pursuant to the laws now in force, shall remain so organized until the same shall be altered, or regulated by the legislature.

ARTICLE XIV.

ON THE RIGHTS OF MARRIED WOMEN AND EXEMPTIONS FROM FORCED SALE.

Sec. I. All property real and personal of the wife, owned by her, at the

the time of her marriage, and also that acquired by her after marriage, by gift, devise, descent or otherwise than from her husband, shall be her separate property. Laws shall be passed providing for the registry of the wife's property, and more clearly defining the rights of the wife thereto, as well as to property held by her with her husband, and for carrying out the provisions of this section. Where the wife has a separate property from that of the husband, the same shall be liable for the debts of the wife contracted before marriage.

Sec. II. Forty acres of land, to be selected by the owner thereof, or the homestead of a family not exceeding forty acres, which said land or homestead shall not be included within any city or village, and shall not exceed in value one thousand dollars; or instead thereof (at the option of the owner) any lot or lots in any city or village, being the homestead of a family, and not exceeding in value one thousand dollars, owned and occupied by any resident of this state, shall not be subject to forced sale on execution, for any debt or debts growing out of or founded upon contract, either express or implied, made after the adoption of this constitution. Provided, that such exemption shall not affect in any manner, any mechanics or laborer's lien, or any mortgage thereon lawfully obtained, nor shall the owner, if a married man, be at liberty to alienate such real estate, unless by the consent of the wife.

ARTICLE XV.

ON EMINENT DOMAIN AND PROPERTY OF THE STATE.

Sec. I. The state shall have concurrent jurisdiction on the river Mississippi, and on every other river and lake bordering on the said state, so far as the said river or lake shall form a common boundary to the said state and any other state or states, Territory or Territories, now or hereafter to be formed, and bounded by the same; and the said river Mississippi, and the navigable waters leading into the Mississippi and Saint 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, impost or duty therefor; No law shall be passed to take away or abridge the rights of owners to the riparian soil, or land under water, unless in the same law provision is made for full compensation to such riparian owners.

Sec. II. 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. III. 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 fail from a defect of heirs, shall revert, or escheat to the people.

ARTICLE XVI.

BILL OF RIGHTS.

Sec. I. All men are born equally free and independent; all power is inherent in, and all government of right originates with the people, is founded in their authority, and instituted for their peace, safety and happiness.

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

Sec. III. 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 prosecutions or indictments for libel, the truth may be given in evidence to the jury, 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. IV. The people shall at all times have the right in a peaceable manner to assemble together to consult for the common good.

Sec. V. No words spoken in debate in either house of the legislature, shall be the foundation of any action, complaint or prosecution whatever.

Sec. VI. The trial by jury in all suits at law shall be preserved, but a jury trial may be waived by the parties in all civil cases, in the manner prescribed by law.

Sec. VII. No law shall be passed granting any divorce, otherwise than by due judicial proceedings.

Sec. VIII. Excessive bail shall not be required; excessive fines shall not be imposed; and cruel and unjust punishment shall not be inflicted.

Sec. IX. In all criminal prosecutions, the accused shall have the right to a speedy and public trial by an impartial jury of the vicinage; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defence.

Sec. X. No person shall be held to answer for a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury, and no person for the same offence shall be twice put 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 case of

rebellion or invasion the public safety may require it.

Sec. XI. 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. XII. 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 to search any place, or seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

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

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

Sec. XV. Foreigners who are, or who may hereafter become residents of this state, shall enjoy the same rights, in respect to the possession, enjoyment and descent of property as native born citizens.

Sec. XVI. No person shall be imprisoned for debt in this state.

Sec. XVII. No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all mankind.

Sec. XVIII. The military shall be kept under strict subordination to the civil power.

Sec. XIX. The legislature shall make no law respecting the establishment of religion, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or for the maintenance of any minister or ministry.

Sec. XX. Writs of error shall never be prohibited by law.

Sec. XXI. No money shall be drawn from the treasury for the benefit of religious societies, or theological or religious seminaries.

ARTICLE XVII.

MISCELLANEOUS PROVISIONS.

Sec. I. All leases or grants of agricultural or mineral lands for a longer period than twenty years hereafter made, in which rent or service of any kind shall be reserved, shall be void.

Sec. II. The political year of the state of Wisconsin shall commence on the first day of January in each year.

Sec.

Sec. III.

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 from holding any office under the constitution and laws of the State, and may be punished in such other manner as shall be prescribed by law.

Sec. IV.

No member of Congress, nor any person holding any office of profit or trust under the United States (postmasters excepted) nor under any other State of the Union, or under any foreign power, 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 town or county 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. V.

No person being elected or appointed to the office of Governor, or Lieutenant-Governor, Senator or representative in the legislature, or judge of the Supreme or circuit courts, shall be eligible during his term of office, to any other office of trust, profit or honor in this State.

Sec. VI.

Every person elected or appointed to the office of Governor, Lieutenant-Governor, Secretary of State, Treasurer, Attorney General, Senator or representative in the legislature, or judge of the Supreme or circuit courts, shall be required to declare in his oath of office, before he shall assume his office, that he will not, during the term for which he is elected or appointed to such office, accept the office of Senator or representative in Congress.

ARTICLE XVIII.

ON AMENDMENTS AND REVISION.

Sec. I.

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 two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journal with the yeas and nays taken thereon; and shall be published for three months previous to the next annual election, in such manner as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified electors 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 amendment separately and distinctly.

Sec. II.

Every tenth year after this constitution shall have taken effect, it shall be the duty of the legislature to submit to the people at the next annual election, the question whether they are in favor of calling a convention to revise the constitution or not; and if a majority of the qualified electors voting thereon, shall have

voted in favor of a convention, the legislature shall at its next session provide by law for holding a convention, to be holden within six months thereafter; and such convention shall consist of a number of members not less than that of the house of representatives, nor more than that of both houses of the legislature.

ARTICLE XIX

SCHEDULE.

Sec. I. That no inconvenience may arise from a change of 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 valid as if issued in the name of the State.

Sec. II. 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 altered or repealed by the legislature.

Sec. III. All fines, penalties or forfeitures, accruing to the Territory of Wisconsin, shall accrue to the use of the State.

Sec. IV. All recognizances heretofore taken, or which may be taken before the change of Territorial to a permanent state government, shall remain valid, and shall pass over to, and may be prosecuted in the name of the State; and all bonds executed to the Governor of the Territory, or any other officer or court, in his or their official capacity, shall pass over to the Governor, or state authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate or property, real, personal or mixed, and all judgements, bonds, specialties, choses in action, and claims or debts of whatsoever description, of the Territory of Wisconsin, shall inure 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 judgement and execution in the name of the State. 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, shall be continued and transferred to any court of the State which shall have jurisdiction of the subject matter thereof.

Sec. V. 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 superseded under the authority of the State.

Sec. VI. The first session of the legislature of the State of Wisconsin shall commence on the first Monday of November next, and shall be held at the village of Madison, which shall be and remain the seat of government until otherwise provided for by law.

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

Sec. VIII. 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", Approved January thirty first One thousand eight hundred and forty six, 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, with the request of this convention, in behalf of the people of Wisconsin, that all said matters may be by him laid before the Congress of the United States at its present session.

Sec. IX. This constitution shall be submitted at an election to be held on the first Tuesday in April next, for ratification or rejection, to all persons who shall then have the qualifications of electors for delegates to this convention, and all persons having such qualifications at the time last aforesaid, shall be entitled to vote for or against the adoption of this constitution, and for all officers to be 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 those which are against the ratification of the constitution, the word "No." The election shall be conducted in the manner now prescribed by law, 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 tenth day of May next. And in the event of a 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 communicate a digest of the returns to the Senate and House of Representatives 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 first Monday in September next, for Governor, Lieutenant-Governor, Secretary of State, Treasurer, Attorney General, members of the State legislature, and for all officers who are elective under this constitution, except Judges.

Sec. X. Two members of congress shall also be elected on the first Monday in September next, and until the first enumeration and apportionment

shall be made as directed by this constitution; the counties of Brown, Manitowish, Calumet, Fond du Lac, Sheboygan, Washington, Milwaukee, Waukesha, Racine and Walworth shall constitute the first congressional district, and elect one member; and the counties of Marquette, Winabago, Columbia, Portage, Sauk, Dodge, Jefferson, Dane, Rock, Green, Iowa, Grant, Richland, Crawford, Chippewa, St. Croix and La Pointe shall constitute the second congressional district, and shall elect one member.

Sec. XI. The first election of Judges of the Supreme and circuit court, shall be held on the second Monday of June next; and the Governor of the Territory shall, by the fifteenth day 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. XII. The several elections provided for in this article, shall be conducted according to the existing laws of this Territory; and the returns, (except for township and county officers) shall be certified and transmitted to the Speaker of the House of Representatives, at the seat of government, in such time that they may be received on the first Monday of November next; and as soon as the legislature shall be organized, the Speaker of the House of Representatives and the President of the Senate shall, in presence of both houses, examine the returns and declare who are duly elected to fill the several offices hereinbefore mentioned.

Sec. XIII. All persons to be eligible to any office in this state, shall have the qualifications of electors as specified in the article "on suffrage and the elective franchise."

Sec. XIV. Such parts of the common law as have heretofore been in use in the Territory of Wisconsin, not inconsistent with this constitution and the statute laws which may be in force, shall be and continue part of the law of this state, until altered or suspended by the legislature.

Sec. XV. 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 November next, and shall continue in office for two years from the first day of January following, and the Judges elected under this constitution shall enter upon the duties of their offices on the first day of January after such election, and their terms of office shall be for five years after said first day of January; and the governor and other territorial officers whose places are supplied by the election under this constitution, shall continue in office until their successors are qualified and enter upon the duties of their office as before stated.

Sec. XVI. The oaths of office may be administered by any Judge or Justice of the Peace, until the legislature shall otherwise direct.

RESOLVED. That Congress be requested, upon the admission of this state into the Union, to pass an act whereby the grant of five hundred thousand acres of land, to which this 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 lying within this state, to which this state shall become entitled on her 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 One thousand eight hundred and forty six, shall be granted to this state for the use of schools, instead of the purposes mentioned in that behalf in the said acts of Congress respectively.

RESOLVED. That the foregoing resolutions be appended to and signed with the Constitution of this state, and submitted therewith to the people of this Territory, and to the Congress of the United States.

ARTICLE XX.
RESOLUTIONS.

RESOLVED.

That the legislature shall, at its first session, pass an act forever refusing the assent of this State to the provisions of an 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 the eighteenth day of June, One thousand eight hundred and thirty eight, and refusing the grant therein made, and refusing to assume the trusts thereby created.

RESOLVED.

That the Congress of the United States be and is hereby requested upon the admission of this State into the Union, so to alter the provisions of the said act of Congress Approved June eighteenth, One thousand eight 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 the proceeds of so much thereof as shall have been sold by the Territory of Wisconsin, may be held and disposed of by the State as part of 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.

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

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 at the same minimum price, and be subject to the same right of pre-emption to occupants, as the public lands of the United States are now sold, and the excess price over and above one dollar and twenty five cents per acre, absolutely 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.

{ Done in convention, at Madison, the sixteenth day of December,
in the year of our Lord One thousand eight hundred and forty six,
and of the Independence of the United States of America the seventy first.

L. Fayette Kellogg
Secretary.

J. H. Smith
And
Asa Hinney

V. J. Stephen

President of the Convention.

James Knowlton
John H. Kavanaugh
J. R. Loring and
W. H. R. Beach

C. P. Ryan
A. H. Ryan

Fred. S. Lovell
C. H. Parsons
Stephen C. Bennett
Daniel Harkin
C. M. Baker
Carret. M. Fitzgerald
J. James, W. G. Wallis
Nathaniel Dickinson
John M. Babcock
Francis Huebschmann
Horace Chase
W. M. Graham
John Cooper
Wm R. Hesk
F. H. Ellis
Joseph Kinney, Jr.
Benjamin Fuller
Thomas James

Henry C. Goodrich
Hiram Barber

Wm. Mendenhall,
La Fayette Hill

Benjamin Granger
Josiah Topping
N. H. Whitesides
Joseph Bowker
John W. Boyd
Stoddard - Quad-

Geo. B. Hall

Lyman H. Seaver

Nathaniel F. Tyler
James Chamberlain

David No ggle
Hiram. Bobbitt
James. M. Moore
Jas. F. Wilson
H. Shurell " Cox
Patrick Toland
John Crawford
Garret Vlich.
Samson A. Hammond
Nath. Phelps
Darius Barren
Israel Inman Jr.
Charles E. Brown
Edward H. Sanborn
Patrick Ryan
George Roper
Elihu L. Attwood
Aaron Rankin
Benjamin Clothier
Solomon Hakes
Jas. P. Hays

Laurens Berans

Geo. T. Smith

Horace D. Patch
Evander. M. Soper
William Bell
Jesse. Smith

William Holcombe

Bostwick, O'Connor
Edward Combs
Joseph S. Pierce
J. W. Beall

Wm. R. Smith
Moses Meeker

Frank H. H. H.

David L. Kelly

Samuel Goodell

Warren Chase

Jenniah Drake

Andrew T. Bennide

V. M. Willard

Peter A. Turner

W^m A. Clark

James Duane Doty

Wm. C. Green

Joshua L. White

Moses M. Strong

Charles Julius Kern

RESOLUTION.

RESOLVED.

That at the same time when the votes of the electors shall be taken for the adoption or rejection of this constitution, an additional section in the following words, that is to say:— "All male citizens of the African blood, possessing the qualifications required by the first section of the article on "Suffrage and the elective franchise"; shall have the right to vote for all officers, and be eligible to all offices that now are, or hereafter may be elective by the people after the adoption of this constitution," shall be submitted to the electors of this state, for adoption or rejection, in the form following, to wit: A separate ballot may be given by every person having the right to vote for the adoption of this constitution to be deposited in a separate box. Upon the ballots given for the adoption of the said separate amendment, shall be written or printed, or partly written and partly printed, the words "Equal suffrage to colored persons, Yes!" and upon the ballots given against the adoption of the said separate amendment, in like manner, the words "Equal suffrage to colored persons, No!" and on such ballots shall be written or printed, or partly written and partly printed, the words "Constitution Suffrage" in such manner that such words shall appear on the outside of such ballot when folded. If, at the said election a majority of all the votes given for and against the said separate amendment, shall contain the words "Equal suffrage to colored persons, Yes!" then the said separate amendment after the adoption of this constitution, shall be a separate section of Article — of this Constitution, in full force and effect, any thing contained in the Constitution to the contrary notwithstanding.

{ Done in convention, at Madison, the sixteenth day
of December, in the year of our Lord One thousand
eight-hundred and forty six, and of the Independence
of the United States of America the seventy first.

La Fayette Kellogg
Secretary.

L. J. Stephens
President of the Convention