The Constitution of the State of Nebraska.

PREAMBLE.

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

ARTICLE I.

BILL OF RIGHTS.

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

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

SEC. 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State. No person shall be required to attend or support any ministry or place of worship; nor shall any preference be given by law to any religious denomination or mode of worship.

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

SEC. 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate, but the trial of civil cases and misdemeanors before Justices of the Peace and inferior magistrates, by a jury of less than twelve men, may be authorized by law.

SEC. 6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the person or things to be seized.

SEC. 7. All persons shall be bailable by sufficient sureties, except for treason and murder, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

SEC. 8. No person shall be held to answer for a criminal offence, except in cases in which the punishment is by fine, or imprisonment otherwise than in the Penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury, or information of a public prosecutor: and provision shall be made by law for the impanneling of grand juries, wherever the respective courts or the judges thereof shall order.

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

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

SEC. 11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same; nor shall cruel and unusual punishments be inflicted.

SEC. 12. No person shall be imprisoned for debt arising out of or founded on a contract express or implied, except in cases where there is strong presumption of fraud.

SEC. 13. Private property shall ever be held inviolate, but subservient to the public welfare. When taken, or damaged, in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public without charge, a compensation shall be made to the owners in money; and in all other cases, a compensation shall be first made in money, or first secured by a deposit of money. Such compensation shall in every case be without deduction for benefits to any property of the owner, and, when not made by the State, shall be assessed by a jury in such manner as shall be prescribed by law. The fee of land taken by railroad tracks, without the consent of the owners thereof, shall remain in such owners, subject to the use for which it was taken.

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

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

SEC. 16. No soldier shall in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

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

SEC. 18. All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

SEC. 19. Treason against the State shall consist only in levying war against the State, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 20. The writ of errror shall be a writ of right in all cases of felony; and, in all capital cases, shall operate as a supersedeas to stay the execution of the sentence of death, until the further order of the supreme court in the premises.

SEC. 21. 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.

SEC. 22. Aliens who are, or may hereafter become *bona-fide* residents of this State, shall enjoy the same rights, in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

SEC. 23. All courts shall be open, and every person, for any injury done him in his land, goods, person or reputation, shall have a remedy by due course of law and justice, administered without denial or delay.

SEC. 24. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

SEC. 25. This enumeration of rights shall not be construed to impair, or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II.

DISTRIBUTION OF POWERS.

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

ARTICLE III.

THE LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority is vested in a senate and house of representatives.

SEC. 2. The legislature shall provide by law for an enumeration of the inhabitants of the State, in the year 1872, and every two years thereafter, until the year 1878 inclusive. After the year 1880, it shall provide for an enumeration in the year 1885, and every ten years thereafter, and at its first regular session after each enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the legislature shall apportion the senators and representatives, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.

SEC. 3. In making the apportionment for senators, each county having three-fifths of the senatorial ratio, shall be entitled to one senator, and be a senatorial district. Each county entitled to one or more senators, and having a surplus of three-fifths of such ratio, shall be entitled to an additional senator therefor. Contiguous counties, no one of which has three-fifths of the senatorial ratio, shall be formed into districts containing, respectively, as near as practicable the full ratio, and not less than three-fifths thereof.

SEC. 4. Representatives shall be chosen by districts of convenient, contiguous territory, as compact as may be, to be defined by law. Each county having three-fifths of the ratio, shall be entitled to one representative. Each county having a surplus of three fifths of the ratio, shall be entitled to one additional representative. A county having less than three-fifths of the ratio, shall be joined with one or more like counties, to form a representative district, containing as nearly as practicable the full ratio, and not less than three-fifths thereof, and no county therein shall be included in any other representative district. But no county shall be divided for the purpose of attaching a part thereof to another county in forming a representative district.

SEC. 5. The first house of representatives shall consist of fifty-seven members, and the first senate shall consist of nineteen members. After the first election, the number of members of each house shall be regulated by law, but the number of representatives shall never exceed one hundred, nor that of senators, thirty-three. Until the year 1873, representatives shall be chosen for one year, and thereafter for two years. Senators shall be elected in the year 1871 for one year, and thereafter for two years.

SEC. 6. Members of the legislature shall receive for their services four dollars per day, and mileage at the rate of ten cents per mile, for each mile necessarily traveled in going to, and returning from the Capital. The speaker of the house shall receive twice the per diem of members.

SEC. 7. No person shall be a senator who shall not have attained the age of twenty-five years, and have been an inhabitant of the state two years next before his election, and the last year thereof, an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this state, and no person elected as aforesaid, shall hold his office after he shall have removed from such district.

SEC. 8. No person being a member of Congress, or holding any office under the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the legislature; but this provision shall not extend to postmasters, whose annual compensation shall not exceed three hundred dollars, nor to township or precinct officers, justices of the peace, notaries public, or officers of the militia. And if any person shall after his election as a member of the legislature, be elected to Congress, or appointed to any office, civil or military under the government of the United States his acceptance thereof shall vacate his seat.

SEC. 9. The session of the legislature shall commence at 12 o'clock, noon, on the first Tuesday in January in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A majority of the members elected to each house, shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members; shall choose its own officers; and the senate shall choose a temporary president, to preside when the lieutenant governor shall not attend as president, or shall act as governor. The secretary of state shall call the house of representatives to order, at the opening of each new legislature, and preside over it until a temporary presiding officer thereof, shall have been chosen, and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offence. Each house may punish by imprisonment any person not a member thereof, who shall be guilty of disrespect to the house, by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

SEC. 10. The mode of organizing the house of representatives at the commencement of each regular session shall be prescribed by law.

SEC. 11. Members of the legislature before they enter upon their official duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Nebraska, and will faithfully discharge the duties of senator (or representative) according to the best of my ability, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company, or person for any vote or influence I may give or withhold, on any bill, resolution, or appropriation, or for any other official act." This oath shall be administered by a judge of the supreme, district, or county court in the hall of the house to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed, shall forfeit his office, and any member who shall be convicted of having sworn falsely to, or of violating his said oath, shall forfeit his office, and thereafter be disqualified from holding any office of profit or trust in this State.

SEC. 12. Each house shall keep a journal of its proceedings and publish them, (except such parts as may require secresy) and the yeas and nays of the members on any question, shall at the desire of any two of them, be entered on the journal. All votes in either house shall be *viva voce*. The doors of each house and of committees of the whole, shall be open. unless when the business shall be such as ought to be kept secret. Neither house shall, without the consent of the other, adjourn for more than three days.

SEC. 13. Any bill may originate in either house of the legislature, except bills appropriating money, which shall originate only in the house of representatives; and all bills passed by one house, may be amended by the other.

SEC. 14. The enacting clause of a law, shall be: "Be it enacted by the legislature of the State of Nebraska;" and no law shall be enacted except by bill. No bill shall be passed, unless by the assent of a majority of all the members elected to each house of the legislature; and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays shall be entered upon the journal.

SEC. 15. Every bill and concurrent resolution, shall be read at large on three different days, in each house, and the bill, and all amendments thereto, shall be printed before the vote is taken upon its final passage. The presiding officer of each house shall sign in the presence of the house over which he presides, while the same is in session, and capable of transacting business, all bills, and concurrent resolutions passed by the legislature.

SEC. 16. Members of the legislature, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest, during the session of the legislature and for fifteen days next before the commencement and after the termination thereof.

SEC. 17. No person elected to the legislature, shall receive any civil appointment within this State, from the Governor and senate, or from the legislature during the term for which he has been elected; and all such appointments, and all votes given for any such member for any such office or appointment, shall be void; nor shall any member of the legislature or any State officer be interested either directly or indirectly in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected; or within one year after the expiration thereof.

SEC. 18. The house of representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor of the state is tried, the chief justice shall preside. No person shall be convicted, without the concurrence of two thirds of the senators elected; but judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, profit, or trust under this state; but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his office after he shall have been impeached and notified thereof, until he shall have been acquitted.

SEC. 19. The Legislature shall not pass local or special laws in any of the following cases; that is to say; for granting divorces; changing the names of persons or places; laying out, opening, altering and working roads or highways; vacating roads, town plats, streets, alleys and public grounds; locating or changing county seats; regulating county and township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates and constables; providing for changes of venue in civil and criminal cases; incorporating cities, towns, and villages, or changing or amending the charter of any town, city or village; providing for the election of officers in townships, incorporated towns, or cities; summoning and impanneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening and conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors, or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentage, or allowances of public officers, during the term for which said officers are elected or appointed; changing the law of descent; granting to any corporation, association or individual the right to lay down rail road tracks, or amending existing charters for such purpose; granting to any corporation, association or individual, any special or exclusive privileges, immunity or franchise whatever. In all other cases where a general law can be made applicable, no special law shall be enacted.

Sec. 20. 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. 21. The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of, any public or other corporation, association or individual.

Sec. 22. The legislature shall have no power to release or relinquish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to the state, or to any municipal corporation therein.

Sec. 23. The Legislature shall never alienate the salt springs belonging to this state, but may dispose of the lands connected therewith, or purchase other contiguous lands, for the purpose of developing said springs, but for no other purpose.

Sec. 24. The legislature shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the legislature, and for the salaries of the officers of the government, shall contain no provision on any other subject.

Sec. 25. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law; and on the presentation of a warrant issued by the Auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the legislature. prepare and publish a full statement of all monies expended at such session, specifying the amount of each item, and to whom and for what paid.

SEC. 26. Each legislature shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government, until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations requiring money to be paid out of the state treasury, from the funds belonging to the state, shall end with such fiscal quarter; provided the state may, to meet casual deficits or failures in revenues, contract debts never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, for the payment of which the faith of the state shall be pledged, shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the legislature at such election. The legislature shall provide for the publication of said law, for three months at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose or from other sources of revenue, which law providing for the payment of such interest, by such tax, shall be irrepealable until such debt be paid. And provided further, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SEC. 27. 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.

SEC. 28. The legislature shall provide by law for the suppression of vice and immorality in this state, and shall never authorize any games of chance, lottery or gift enterprise, under any pretense or for any purpose whatever.

SEC. 29. The legislature shall provide by law, that the fuel, stationery, and printing paper furnished for the use of the state; the copying, printing, binding and distributing of the laws and journals, and all other printing ordered by the legislature, shall be let by contract to the lowest responsible bidder; but the printing and binding shall be done within the state, and the legislature shall fix a maximum price. All such contracts shall be subject to the approval of the governor, and if he disapprove the same, there shall be a re-letting of the contract in such manner as shall be prescribed by law.

Sec. 30. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

Sec. 31. No member of the legislature shall be liable, in any civil action or criminal prosecution whatever, for words spoken in debate.

Sec. 32. No act shall take effect until the first day of July next after its passage, unless, in case of emergency, to be expressed in the preamble or body of the act, the legislature shall by a vote of two-thirds of all the members elected to each house, otherwise direct: nor shall any act take effect, until it shall have been published in accordance with law.

ARTICLE IV.

THE EXECUTIVE DEPARTMENT.

Section 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney general and commissioner of public lands and buildings, who shall each hold his office for the term of two years from the first day of January next after his election, and until his successor is elected and qualified. Provided however that the first election of said officers shall be held on the tuesday succeeding the first monday in november 1871, and the officers then elected, shall each hold his office for the term of one year, and until his successor is elected and qualified. They shall, except the lieutenant governor reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

Sec. 2. The treasurer shall be ineligible to the office of treasurer for two years next after the expiration of two consecutive terms for which he was elected.

Sec. 3. The officers of the executive department shall after the first election hereinbefore provided for, be elected at the general election for members of the house of representatives to be held in the year 1872, and every two years thereafter, at such times and places as may be prescribed by law.

Sec. 4. The returns of every election for the above named officers, shall be sealed up and transmitted, by the returning officers, to the secretary of state, directed to the speaker of the house of representatives, who shall immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the legislature, who shall for that purpose, assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices, shall be declared duly elected, but if two or more have an equal, and the highest number of votes, the legislature shall by joint ballot choose one of such persons for said office. Contested elections for all of said offices, shall be determined by both houses of the legislature, by joint ballot, in such manner may be prescribed by law.

SEC. 5. No person shall be eligible to the office of governor or lieutenant governor, who shall not have attained the age of twenty-five years, and been for two years next preceding his election, a citizen of the United States and of this state. Neither the governor, lieutenant governor, auditor of public accounts, secretary of state, commissioner of public lands and buildings, superintendent of public instruction nor attorney general, shall be eligible to any other office during the period for which he shall have been elected.

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

SEC. 7. The governor shall at the commencement of each session, and at the close of his term of office, and whenever the legislature may require, give to the legislature information by message of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall account to the legislature, and accompany his message with a statement of all moneys received and paid out by him, from any funds subject to his order, with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

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

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

SEC. 10. The governor shall nominate, and, by and with the advice and consent of the Senate, (a majority of all the senators elected concurring by yeas and nays) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the legislature.

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

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

SEC. 13. 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 power to suspend the execution of the 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 reprieve, commutation or pardon. In cases of conviction upon impeachment, the legislature may remit so much of the sentence as shall disqualify the convicted person from holding office.

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

SEC. 15. The governor and all civil officers of this state, shall be liable to impeachment for any misdemeanor in office.

SEC. 16. Every bill passed by the legislature before it becomes a law, and every order, resolution or vote to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then two thirds of the members elected agree to pass the same, it shall be sent together with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of the members elected to that house, it shall become a law notwithstanding the objections of the governor. But in all such cases, the vote of each house shall be determined by yeas and nays, to be entered upon the journal. Any bill which shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it; unless the legislature by their adjournment prevent its return; in which case it shall be filed with his objections in the office of the secretary of state, within five days after such adjournment, or become a law.

SEC. 17. In case of the death, impeachment to the senate and notice thereof to the accused, failure to qualify, resignation, absence from the state, or other disability of the governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant governor.

SEC. 18. The lieutenant governor shall be president of the senate and shall vote only when the senate is equally divided.

SEC. 19. If there be no lieutenant governor, or if the lieutenant governor shall, for any of the causes specified in section 17 of this article, become incapable of performing the duties of the office, the president of the senate, shall act as governor, until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 20. The commissioner of public lands and buildings, the secretary of state, treasurer and attorney general, shall form a board, which shall have general supervision and control of all the buildings, grounds and lands of the state, the state prison, asylums, and all other institutions thereof, except those for educational purposes; and shall perform such duties, and be subject to such rules and regulations as may be prescribed by law.

SEC. 21. If the office of auditor of public accounts, treasurer, secretary of state, attorney general, commissioner of public lands and buildings or superintendent of public instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department and of all the public institutions of the state, of all monies received or disbursed by them severally from all sources, and for every service performed; and a semi-annual report thereof be made to the governor under oath; and any officer who makes a false report shall be guilty of perjury and punished accordingly.

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

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

Sec. 24. The officers named in this section shall receive for their services a salary, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office or other compensation, and all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the state treasury.—The salary of the governor shall be three thousand dollars. The salaries of the secretary of state, of the auditor of public accounts, of the superintendent of public instruction, of treasurer, commissioner of public lands and buildings and attorney general shall each be two thousand dollars. The lieutenant governor shall receive twice the compensation of a senator. Provided that at the expiration of five years from the adoption of this constitution, and every five years thereafter, the legislature may by general law, readjust the said salaries; but the salaries of the officers named in this section shall not be increased or diminished during their official terms.

SEC. 25. An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency for a temporary purpose, which ceases when that purpose is accomplished.

SEC. 26. All civil officers, except members of the legislature and such inferior officers as may be by law exempted, shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the constitution of the United States, the constitution of the state of Nebraska and that I will faithfully and impartialy discharge the duties of the office of —— to the best of my ability; and that I have not directly or indirectly, paid or contributed anything, or made any promise in the nature of a bribe to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted nor will I accept or receive directly or indirectly any money or other valuable thing from any corporation, company or person for any official act. Any officer refusing to take the oath herein prescribed, shall forfeit his office, and after conviction of having sworn falsely to, or of violating his said oath, shall forfeit his office and shall be disqualified from holding any office of trust or profit in the state. No other oath, declaration or test shall be required as a qualification.

SEC. 27. The officers mentioned in this article shall give bonds in double the amount of money which may come into their hands, with such provisions as to sureties and the approval thereof, and for the increase of the penalty of such bonds as may be prescribed by law.

SEC. 28. No other executive state office shall be created.

ARTICLE V.

THE JUDICIAL DEPARTMENT.

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

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

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

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

SEC. 5. The judges of the supreme court shall immediately after the first election under this constitution, be classified by lot, so that one shall hold his office for the term of two years, one for the term of four years and one for the term of six years.

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

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

SEC. 8. The supreme court shall appoint a reporter, and a clerk of said court, who shall hold their offices respectively for the term of three years, subject to removal by the court, and whose duties shall be prescribed by law.

SEC. 9. The district courts shall have original jurisdiction in all cases of law and equity; and such appellate jurisdiction as is or may be provided by law.

SEC. 10. The state shall be divided into five judicial districts, in each of which shall be elected one judge, who shall be judge of the district court therein; and whose term of office shall be four years.

Until otherwise provided by law, said districts shall be as follows: First District. The counties of Richardson, Nemaha, Johnson, Pawnee, Gage, Saline and Jefferson.

Second District. The counties of Otoe, Cass, Lancaster, Saunders, Seward and Butler.

Third District. The counties of Douglas and Sarpy.

Fourth District. The counties of Washington, Burt, Dodge, Cuming, Colfax, Stanton, Madison, Wayne, Dakota, Dixon, Cedar, Pierce, Antelope, L'eau qui Court and the counties and territory lying due west of L'eau qui Court.

Fifth District. The counties of Platte, Boone, Greeley, Howard, Hall, Merrick, Polk, York, Filmore, Thayer, Nuckolls, Clay, Hamilton, Adams, Webster, Franklin, Kearney, Harlan, Buffalo, Sherman, Dawson, Lincoln, Cheyenne and all other counties and territory not included in any other district.

SEC. 11. The legislature whenever two-thirds of the members elected to each house shall concur therein may, in the year one thousand eight hundred and seventy-five and every five years thereafter, increase the number of judges of the district courts, and the judicial districts of the state. Such districts shall be formed of compact territory, and bounded by county lines; and such increase or any change in the boundaries of a district, shall not vacate the office of any judge.

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

SEC. 13. The judges of the supreme court shall each receive a salary of $3,500, and the judges of the district court shall each receive a salary of $2,500 per annum, payable quarterly, until otherwise provided by law; and after said salaries shall be fixed by law, they shall not be increased or diminished during the terms for which said judges shall be respectively elected.

SEC. 14. No judge of the supreme court or district court, shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments, nor shall any salary or other compensation be paid by the state to any county judge.

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

SEC. 16. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and settlement of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments; and such other jurisdiction as may be given by general law. Provided that in counties having a population of not less than three thousand, the legislature may confer upon said courts jurisdiction in sales of real estate on execution, and by executors, administrators, and guardians; but they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment or a fine of over five hundred dollars; nor in actions in which the title to real estate is sought to be recovered, or may be drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor where the debt or sum claimed shall exceed five hundred dollars.

SEC. 17. Appeals to the district courts from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, in which the amount in controversy shall exceed twenty-five dollars; and, in such other cases, as the legislature may provide.

SEC. 18. Justices of the peace, and police magistrates, shall be elected in and for such districts, and have and exercise such jurisdiction as may be provided by law. Provided that no justice of the peace shall have jurisdiction of any civil case where the amount in controversy shall exceed one hundred dollars; nor in a criminal case when the punishment may exceed three months' imprisonment, or a fine of over one hundred dollars; nor in any matter wherein the title or boundaries of land may be in dispute.

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

SEC. 20. The legislature may for cause entered on the journals, upon due notice, and opportunity of defense, remove from office any judge of the supreme or district court, upon concurrence of three fourths of all the members elected to each house. All other officers in this article mentioned, shall be removed from office on prosecution, and final conviction for misdemeanor in office, in such manner as may be provided by law.

Sec. 21. All judges of courts of record inferior to the supreme court shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court shall, on or before the first day of January of each year, report in writing to the governor such defects and omissions in the constitution and laws, as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. The judges of the several district courts shall report to the legislature at each regular session the number of days they have held courts in the several counties composing their respective districts during the preceeding year.

Sec. 22. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall respectively reside in the district, county or precinct for which they shall be elected or appointed. The terms of office of all such officers, when not otherwise prescribed in this article shall be two years. All officers when not otherwise provided for in this article, shall perform such duties and receive such compensation as may be provided by law.

Sec. 23. In case the office of any judge of the supreme court or of any district court shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor shall be elected and qualified, and such successor shall be elected for the unexpired term at the first general election that occurs more than thirty days after the vacancy shall have happened. Vacancies in all other elective offices provided for in this article shall be filled by election, but when the unexpired term does not exceed one year the vacancy may be filled by appointment in such manner as the legislature may provide.

Sec. 24. The legislature shall provide by law, in what manner and in what courts suits may be brought against the state.

Sec. 25. The several judges of the courts of record shall have such jurisdiction at chambers as may be provided by law.

Sec. 29. All processes shall run "In the name of The People of the State of Nebraska" and all prosecution shall be carried on "In the name of the People of the State of Nebraska" and conclude against the peace and dignity of the same.

ARTICLE VI.

RIGHTS OF SUFFRAGE.

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

First; Citizens of the United States.

Second; Persons of foreign birth, who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

Sec. 2. No person shall be qualified to vote who is or shall be under guardianship, *non compos mentis*, or convicted of treason or felony under the laws of the state, or of the United States unless restored to civil rights.

SEC. 3. No elector shall be deemed to have lost his residence in the state by reason of his absence on business of the United States or of this state.

SEC. 4. 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 therein.

SEC. 5. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

SEC. 6. All votes shall be by ballot.

SEC. 7. Uniform laws throughout the state shall be made, to ascertain by proper proof what citizens are entitled to the rights of suffrage.

ARTICLE VII.

EDUCATION.

SECTION 1. All funds and lands set apart for educational purposes shall be under the control and management of the legislature.

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

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

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

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

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

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

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

Sixth. All other grants, gifts and devises, that have been