Nebraska Herald Supplement

THE NEW CONSTITUTION.

PREAMBLE.

We, the people, grateful to Almighty God for our freedom, do ordain and establ- the following declaration of rights frame of government, as the constitution of the State of Nebraska.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. All persons are by nature free and independent, and have certain 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 people, deriving their just powers from the consent of the governed.

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

SEC. 3. No person shall be deprived of life, liberty, or property, without due process of law.

SEC. 4. All persons have a natural and indefeasible right to worship Aimighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, no shall any person be incompetent to be a witness on account of his religious belief: but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge however, being essential to good government, it shall be the duty of the legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

SEC. 5. 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. 6. The right of trial by jury shall remain inviolate, but the legislature may authorize trial by a jury of a less number than twelve men in courts inferior to the district court.

SEC. 7. 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 but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

SEC. 9. All persons shall be bailable by sufficient sureties, except for treason and murder where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 10. No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; *Provided*, That the legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law abolish, limit, change, amend or otherwise regulate the grand jury system.

SEC. 11. In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf: and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to haae been committed.

SEC. 12. 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. 13. All courts shall be, and every person, for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due course of law, and justice administered without denial or elay.

SEC. 14. 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. 15. 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 State.

SEC. 16. No bill of attainder, *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. 17. The miltary shall be in strict subordination to the civil power.

SEC. 18. 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. 19. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

SEC. 20. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

SEC. 21. The property of no person shall be taken or damaged for public use without just compensation therefor.

SEC. 22. All elections shall be free; and there shall be no hindrance or impediment to the rigat of a qualified voter to exercise the elective franchise.

SEC. 23. The writ of error shall be a writ of right in all cases of felony; and in 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. 24. The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied.

SEC. 25. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property.

SEC. 26. 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 he others, except as hereinafter expressly directed or permitted.

ARTICLE III.

LEGISLATIVE.

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 eighteen hundred and eighty-five, 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. The House of Representatives shall consist eighty-four members, and the Senate shall consist of thirty members, until the year of eighteen hundred and eighty, after which time 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. The sessions of the Legislature shall be biennial, except as otherwise provided in this constitution.

SEC. 4. The terms of office of members of the Legislature shall be two years, and they shall each receive for their services three dollars for each day's attendance during the session, and ten cents for every mile they shall travel in going to and returning from the place of meeting of the Legislature on the most usual route; *Provided*, however, that they shall not receive pay for more than forty days at any one session; and neither members of the Legislature nor employees shall receive any pay or perquisites other than their per diem and mileage.

SEC. 5. No person shall be eligible to the office of Senator, or member of the House of Representatives, who shall not be an elector and have resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States, or of this State. And no person elected as aforesiad shall hold his office after he shall have removed from such district.

SEC. 6. No person holding office under the authority of the United States, or any lucrative office under the authrity of this State, shall be eligible to, or have a seat in the Legislature, but this provision shall not extend to precinct or township officers, Justices of the Peace, Notaries Public, or officers of the militia, nor shall any person interested in a contract with, or an unadjusted claim, against the State, shall hold a seat in the Legislature.

SEC. 7. 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 Lieutent-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 offense. 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. 8. Each House shall keep a journal of its proceedings and publish them (except such parts as may require secrecy), and the yeas and nays or 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 Committee 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. 9. 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. 10. 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 assent of a majority of all the members elected to each House of the Legislature, and the question upon final passage shall be taken immediately upon its last reading, and the yeas and nays shall be entered upon the journal.

SEC. 11. 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. No bill shall contain more than one subject, and the same shall be clearly expressed in its title. And no law shall be amended unless the new act contain the section or sections so amended and the section or sections so amended shall be repealed. 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. 12. 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. 13. No person elected to the Legislature shall receive any civil appointment within this State from the Governor and Senate 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, County or City, authorized by any law passed during the term for which he shall hav been elected, or within one year after th expiration thereof.

SEC. 14. The Senate and House of Representatives in joint convention shall have the sole power of impeachment, but a majority of the members elected must concur therein. Upon the entertainment of a resolution to impeach by either House, the other House shall at once be notified thereof and the two Houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification. A notice of an impeachment of any officer, other than a Justice of the Supreme Court, shall be forthwith served upon the Chief Justice by the Secretary of the Senate, who shall thereupon call a session of the Supreme Court to meet at the Capital within ten days after such notice to try the impeachment. A notice of an impeachment of a Justice of the Supreme Court shall be served by the Secretary of the Senate, upon the Judge of the Judicial District within which the Capital is located, and he thereupon shall notify all the Judges of the District Court in the State to meet with him within thirty days at the Capital, to sit as a court to try such impeachment, which court shall organize by electing one of its number to preside. No person shall be convicted without the concurrence of two-thirds of the members of the court of impeachment, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in 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 official duties after he shall have been impeached and notified thereof, until he shall have been acquitted.

SEC. 15. 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.

Regulatiug county and township offices.

Regulating the practice of 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 case·

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 or impanelling grand or petit juries.

Providing for the bonding of cities, towns, precincts, school districts, or other municipalities.

Providing for the management of public schools.

Regulating the 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 and 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 railroad 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. 16. 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. 17. The Legislature shall never alienate the salt springs belonging to this State.

SEC. 18. Lands under control of the State shall never be donated to railroad companies, private orperations, or individuals.

SEC. 19. The Legislature shall make appropriations for the expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to each house, and shall not exceed the amount of revenue authorized by law to be raised in such time. 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. 20. All offices created by this Constitution shall become vacant by the death of the incumbent, by removal from the State, resignation, conviction of a felony, impeachment, or becoming of unsound mind. And the Legislature shall provide by general law for the filling of such vacancy, when no provision is made for that purpose in this Constitution.

SEC. 21. The Legislature shall not authorize any games of chance, lottery, or gift enterprise, under any pretence, or for any purpose whatever.

SEC. 22. No allowance shall be made for the incidental expenses of any State officer except the same be made by general appropriation and upon an account specifying each item. 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 moneys expended at such session, specifying the amount of each item, and to whom and for what paid.

SEC. 23. No member of the Legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

SEC. 24. No act shall take effect until three calendar months after the adjournment of the session at which it passed, 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. All laws shall be published in book form within sixty days after the adjournment of each session, and distributed among the several counties in such manner as the Legislature may provide.

ARTICLE IV.

LEGISLATIVE APPORTIONMENT.

Until otherwise provided by law, Senatorial and Representative Districts shall be formed and Senators and Representatives apportioned as follows:

SENATORIAL DISTRICTS.

District No. 1—shall consist of the county of Richardson, and be entitled to two Senators.

Dist. No. 2—shall consist of the county of Nemaha, and be entitled to one Senator.

Dist. No. 3—shall consist of the county of Otoe, and be entitled to two Senators.

Dist. No. 4—shall consist of the county of Cass, and be entitled to one Senator.

Dist. No. 5—shall consist of the county of Douglas, and be entitled to two Senators.

Dist. No. 6—shall consist of the counties of Douglas and Sarpy, and be entitled to one Senator.

Dist No. 7—shall consist of the county of Washington, and be entitled to one Senator.

Dist. No. 8—shall consist of the county of Dodge, and be entitled to one Senator.

Dist. No. 9—shall consist of the county of Cuming, and be entitled to one Senator.

Dist. No. 10—shall consist of the counties of Burt and Oakdale, and be entitled to one Senator.

Dist. No. 11—shall consist of the counties of Madison, Stanton, Wayne, Pierce, Antelope and Boone, and be entitled to one Senator.

Dist. No. 12—shall consist of the counties of Dixon, Cedar, Knox, Holt, and the unorganized territory west of Holt, and be entitled to one Senator.

Dist. No. 13—shall consist of the counties of Hall, Howard, Merrick, Greeley, and the unorganized territory north of Greeley, and be entitled to one Senator.

Dist. No. 14—shall consist of the counties of Platte and Colfax, and be entitled to one Senator.

Dist. No. 15—shall consist of the counties of Butler and Polk, and be entitled to one Senator.

Dist. No. 16—shall consist of the county of Saunders, and be entitled to one Senator.

Dist. No. 17—shall consist of the county of Lancaster, and be entitled to two Senators.

Dist. No. 18—shall consist of the counties of Johnson and Pawnee, and be entitled to one Senator.

Dist. No. 19—shall consist of the counties of Gage and Jefferson, and be entitled to one Senator.

Dist. No. 20—shall consist of the county of Saline, and be entitled to one Senator.

Dist No. 21—shall consist of the county of Seward, and be entitled to one Senator.

Dist. No. 22—shall consist of the counties of York and Hamilton, and be entitled to one Senator.

Dist. No. 23—shall consist of the counties of Fillmore and Clay, and be entitled to one Senator.

Dist. No. 24—shall consist of the counties of Adams, Webster, Nuckolls, and Thayer, and be entitled to one Senator.

Dist. No. 25—shall consist of the counties of Buffalo, Kearney, Franklin, Harlan, Phelps, Sherman, Valley, and the unorganized territory west of Sherman, Valley, and Senatorial District No. thirteen (13), and be entitled to one Senator.

Dist. No. 26—shall consist of the counties of Lincoln, Dawson, Gosper, Furnas, Red Willow, Frontier, Hitchcock, Dundy, Chase, Keith, Cheyenne, and the unorganized territory west of Frontier, and between Frontier and Chase, and be entitled to one Senator.

REPRESENTATIVE DISTRICTS.

Dist. No. 1—shall consist of the county of Richardson, and be entitled to four Representatives.

Dist. No. 2—shall consist of the county of Pawnee, and be entitled to two Representatives.

Dist. No. 3—shall consist of the county of Gage, and be entitled to two Representatives.

Dist. No. 4—shall consist of the county of Johnson, and be entitled to two Representatives.

Dist. No. 5—shall consist of the county of Nemaha, and be entitled to three Representatives.

Dist. No. 6—shall consist of the county of Otoe, and be entitled to four Representatives.

Dist. No. 7—shall consist of the county of Lancaster, and be entitled to four Representatives.

Dist. No. 8—shall consist of the county of Saunders, and be entitled to three Representatives.

Dist. No. 9—shall consist of the county of Cass, and be entitled to three Representatives.

Dist. No. 10—shall consist of the county of Sarpy, and be entitled to one Representative.

Dist. No. 11—shall consist of the county of Douglas, and be entitled to eight Representatives.

Dist No. 12—shall consist of the county of Dodge, and be entitled to two Representatives.

Dist. No. 13—shall consist of the county of Washington, and be entitled to two Representatives.

Dist No. 14—shall consist of the county of Burt, and be entitled to one Representative.

Dist. No. 15—shall consist of the county of Cuming, and be entitled to two Representatives.

Dist. No. 16—shall consist of the county of Dakota, and be entitled to one Representative.

Dist. No. 17—shall consist of the county of Dixon, and be entitled to one Representative.

Dist. No. 18—shall consist of the county of Jefferson, and be entitled to one Representative.

Dist. No. 19—shall consist of the county of Thayer, and be entitled to one Representative.

Dist. No. 20—shall consist of the county of Nuckolls, and be entitled to one Representative.

Dist. No. 21—shall consist of the county of Webster, and be entitled to one Representative.

Dist. No. 22—shall consist of the county of Adams, and be entitled to one Representative.

Dist. No. 23—shall consist of the county of Clay, and be entitled to one Representative.

Dist. No. 24—shall consist of the county of Fillmore, and be entitled to one Representative.

Dist. No. 25—shall consist of the county of Saline, and be entitled to three Representatives.

Dist. No. 26—shall consist of the county of Seward, and be entitled to two Representatives.

Dist. No. 27—shall consist of the county of York, and be entitled to two Representatives.

Dist. No. 28—shall consist of the county of Hamilton, and be entitled to one Representative.

Dist. No. 29—shall consist of the county of Hall, and be entitled to one Representative.

Dist. No. 30—shall consist of the county of Buffalo, and be entitled to one Representative.

Dist. No. 31—shall consist of the county of Lincoln, and be entitled to one Representative.

Dist. No. 32—shall consist of the county of Harlan, and be entitled to one Representative.

Dist. No. 33—shall consist of the counties of Howard and Greeley, and be entitled to one Representative.

Dist. No. 34—shall consist of the county of Merrick, and be entitled to one Representative.

Dist. No. 35—shall consist of the county of Polk, and be entitled to one Representative.

Dist. No. 36—shall consist of the county of Butler, and be entitled to one Representative.

Dist. No. 37—shall consist of the county of Colfax, and be entitled to one Representative.

Dist. No. 38—shall consist of the county of Platte, and be entitled to one Representative.

Dist. No. 39—shall consist of the county of Madison, and be entitled to one Representative.

Dist. No. 40—shall consist of the county of Cedar, and be entitled to one Representative.

Dist. No. 41—shall consist of the counties of Burt and Dodge, and be entitled to one Representative.

Dist. No. 42—shall consist of the counties of Stanton, Wayne, and Pierce, and be entitled to one Representative.

Dist. No. 43—shall consist of the counties of Knox and Holt, and the unorganized territory west of Holt, and be entitled to one Representative.

Dist. No 44—shall consist of the county of Antelope, and be entitled to one Representative.

Dist. No. 45—shall consist of the counties of Boone, Valley, Sherman, and the unorganized territory west of Sherman and Valley counties, and west of the thirteenth Senatorial District, and be entitled to one Representative.

Dist. No. 46—shall consist of the counties of Dawson and Frontier, and be entitled to one Representative.

Dist. No. 47—shall consist of the counties of Franklin and Kearney, and be entitled to one Representative.

Dist. No. 48—shall consist of the counties of Furnas, Phelps, and Gosper, and be entitled to one Representative.

Dist. No. 49—shall consist of the counties of Cheyenne, Keith, Dundy, Chase, Hitchcock, Ked Willow, and the unorganized territory of this State north of the county of Hitchcock, and be entitled to one Representative.

Dist. No. 50—shall consist of the counties of Cass and Saunders, and be entitled to one Representative.

Dist. No. 51—shall consist of the counties of Platte, Colfax, and Butler, and be entitled to one Representative.

Dist. No. 52—shall consist of the counties of Fillmore and Clay, and be entitled to one Representative.

ARTICLE V.

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 Thursday after the first Tuesday in 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, 1876, and each succeding election shall be held at the same relative time, in each even year thereafter. The governor, secretary of state, auditor of public accounts and treasurer, shall reside at the seat of government during their terms of office, and keep the public records, books, and papers there, and shall perform such duties as may be required by law.

SEC. 2. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty years, and been for two years next preceding his election a citizen of the United State and of this state. None of the officers of the executive department shall be eligible to any other state office during the period for which they shall have been elected.

SEC. 3. 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. 4. The returns of every election for the officers of the executive department shall be sealed by 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 vote, choose one of such persons for said office. Coatested elections for all of said offices shall be determined by both houses of the legislature, by joint vote, in such manner as may be presented by law.

SEC. 5. All civil officers of this state shall be liable to impeachment for any misdemeanor in office.

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 messsage 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 sum 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 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 (expressed by a majority of all the senators elected, voting 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 by law or herein 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 voting 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 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 offenses 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 session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature, at every regular session, 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.

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. 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 questions 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 three-fifths 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 three-fifths of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. 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 (Sunday 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 secretary of state within five days after such adjournment, or become a law. The governor may disapprove any item or items of appropriation contained in bills passed by the legislature, and the item or items so disapproved shall be stricken therefrom unless repassed in the manner herein prescribed in cases of disapproval of bills.

SEC. 16. In case of the death, impeachment 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. 17. The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided.

SEC. 18. If there be no lieutenant governor, or if the lieutenant governor for any of the causes specified in section sixteen of this article, becomes 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. 19. 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 thereot, 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. 20. 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.

SEC. 21. 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